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Letter dated 18 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the fact that relations between Côte d'Ivoire and Angola have entered a new phase of definite improvement.

In this context, it seemed entirely appropriate for us to bring some important information to the attention of the international community.

Accordingly, acting on instructions from my Government I am requesting that the text of this letter and its annex be circulated as a document of the Security Council.

(*Signed*) Noël E. **Ahipeaud Guébo**
Chargé d'affaires a.i.

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Annex to the letter dated 18 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the Secretary-General

Since the start of the Angolan crisis, which began with the armed rebellion triggered by Jonas Savimbi against the lawful Government of Luanda, the name of Côte d'Ivoire has, rightly or wrongly, regularly been associated with the União Nacional para a Independência Total de Angola (UNITA) and the country has constantly been accused of colluding with it.

It is true that, prompted always by the belief that dialogue is the only sure way to resolve differences between States, and that the policy of the empty chair is the best way of ensuring that positions become hardened and misunderstandings systematized, Côte d'Ivoire has sought to maintain a minimum level of contacts with the movement of Jonas Savimbi.

It should also be pointed out, as noted in the letter dated 3 May 2000 from the Government to the President of the Security Council (S/2000/379), that, as a result of the above-mentioned minimum level of contacts, the Luanda Government has long used Côte d'Ivoire as an intermediary for getting and staying in touch with Jonas Savimbi's UNITA.

The above-mentioned letter also informed you very clearly that, following the signing of the Lusaka agreements and the failure of UNITA to respect their provisions, the Ivorian Government decided to freeze its relations with Mr. Savimbi's organization.

In accordance with this new logic of Ivorian diplomacy, at the invitation of Eduardo dos Santos, President of the Republic of Angola, the President of the Republic of Côte d'Ivoire, Laurent Gbagbo, paid a visit of friendship and cooperation to Angola from 28 to 31 May 2001.

It should be noted that, in the context of the talks he had with his Angolan counterpart, President Laurent Gbagbo reaffirmed his wholehearted commitment to the implementation of the sanctions against UNITA and welcomed the measures taken by the United Nations to promote peace in Angola.

He also invited all parties to the conflict to abide scrupulously by the provisions of the Lusaka Protocol (S/1994/1441, annex) so as to ensure Angola's prompt return to peace and stability.

On the occasion of the speech he delivered before the Angolan National Assembly, the Ivorian Head of State, Laurent Gbagbo, reassured the elected representatives of the Angolan people by proclaiming for all to hear that "Côte d'Ivoire will never again serve as a rear base for UNITA's activities."

Speaking in turn of the Security Council resolutions, President Eduardo dos Santos welcomed the steps taken by the Ivorian authorities to abide by said resolutions in order to help strengthen peace in Angola. One such step resulted from the decision of the new Ivorian authority to withdraw all Ivorian passports which had been issued to the UNITA leadership, effective 30 June 2001.

The effects of the official visit of President Laurent Gbagbo to Angola were not long in coming. For example, UNITA decided to close down the "permanent office" it had maintained in Abidjan for the past 20 years. In fact, Mr. John Kakumba Marquest, "Ambassador" of UNITA to Abidjan, left Côte d'Ivoire for good, as did Mr. Savimbi's eldest sister.

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Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, in which the Council requested me to keep it closely and regularly informed of the progress towards the implementation of the resolution. The report provides an update on developments since my report of 7 March 2001 (S/2001/202). It also describes the status of deployment of the United Nations Mission in Ethiopia and Eritrea (UNMEE) as authorized by the Security Council in resolutions 1312 (2000) of 31 July 2000, 1320 (2000) of 15 September 2000 and 1344 (2001) of 15 March 2001, which extended the mandate of UNMEE until 15 September 2001.

II. Status of the Temporary Security Zone

Establishment of the Temporary Security Zone

2. The parties agreed in the Agreement on Cessation of Hostilities of 18 June 2000 (S/2000/601) to create a Temporary Security Zone, which would be a demilitarized area between the armed forces of both countries. The redeployment of Ethiopian forces from the future Temporary Security Zone was verified by UNMEE on 7 March 2001, and was followed by the rearrangement of the Eritrean forces, which was concluded on 16 April. This allowed my Special Representative, Mr. Legwaila Joseph Legwaila, to declare the formal establishment of the Temporary Security Zone on 18 April, which marked a milestone in the peace process. The declaration of the Zone gave an additional momentum to the peace process and has made possible the return of civilians seeking to resume their lives in their places of origin.

3. Despite differing views concerning the exact boundaries of the Zone and its regime, in particular as it refers to the restoration of Eritrean militia and police, the situation on the ground has remained generally calm. The Government of Eritrea has commenced the return of its internally displaced population to their villages of origin in the Zone. Nonetheless, there is a growing concern at the possibility of incidents resulting from the proximity between the Eritrean militia and police and the Ethiopian forces, in the area of the southern boundary of the Zone. Accordingly, UNMEE has deployed additional troops to particularly sensitive areas along the southern boundary.

Finalization of the boundaries of the Temporary Security Zone

4. UNMEE has made every effort in recent months to define a precise southern boundary of the Temporary Security Zone that takes into account the concerns of the parties of an administrative, military or humanitarian nature. For example, on 15 March UNMEE determined that three companies of Ethiopian troops were present in the Irob area 6 km north of the southern boundary of the proposed Zone previously accepted by Ethiopia. In the course of the consultations that followed, Ethiopia maintained that it had administered the area before 6 May 1998 and would not therefore withdraw its forces despite its earlier failure to inform UNMEE accordingly. UNMEE advised the Eritrean authorities, and confirmed in a

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public statement on 18 April, that it had adjusted the southern boundary in this area. UNMEE has also investigated the situation along several segments of the southern boundary, including by undertaking an on-the-ground clarification exercise regarding the location and status of over a hundred different villages in the border areas. This has resulted in a number of mutually acceptable adjustments to the southern boundary.

5. Given the need for operational clarity, it is important that Ethiopia, Eritrea and UNMEE operate on the basis of a precise and common understanding of the location of the Temporary Security Zone. To this end, UNMEE has completed and will shortly distribute to the parties a finalized map showing the southern and northern boundaries of the Zone. UNMEE anticipates that these boundaries will not be fully satisfactory to either party. Nevertheless, I trust that, in order to continue to move the peace process forward, and given the temporary nature of the Zone, the parties will agree to operate on the basis of this map, on the understanding that all decisions regarding the delimitation of the border will be made by the Boundary Commission.

6. In this respect, UNMEE is concerned at the continued presence of Ethiopian troops inside the Temporary Security Zone in one location in the Eastern Sector, despite the assurances given by the Government of Ethiopia that these troops would be withdrawn to the southern boundary of the Zone. Recently, UNMEE has received indications from Ethiopia that it considers that this redeployment position corresponds to the 6 May 1998 line. This cannot be regarded as acceptable, long after an understanding had been reached on the Ethiopian troops' redeployment positions in this area.

Presence of Eritrean militia and police in the Temporary Security Zone

7. The Agreement on Cessation of Hostilities of 18 June 2000 provided that Eritrea would restore its civilian administration, including police and local militia, in the Temporary Security Zone. My report to the Security Council of 9 August 2000 (S/2000/785) noted that it would be necessary for the implementation of the UNMEE mandate that all relevant information on militia personnel be provided to the United Nations, in order to enable it to verify that the functions and configuration of the militia do not exceed that which prevailed before the outbreak of the conflict. On 26 February 2001, the Force Commander of UNMEE wrote to the Eritrean Commissioner for Coordination with the United Nations Mission to request this information. Although Eritrea initiated the restoration of its militia and police in the Zone immediately after the repositioning of its armed forces, no such information on past or planned numbers has been provided to the United Nations to date.

8. As of 13 June, UNMEE military observers estimated that over 5,500 Eritrean militia and 3,100 police had already deployed inside the Temporary Security Zone. General observations indicate that there is approximately 1 battalion of militia installed at each of the 14 sub-zones in the Zone. Like the militia, the police show signs of being organized along the lines of a regular military structure, and are more heavily armed than similar entities elsewhere in Eritrea. In several cases, police and militia have been deployed to areas located very close to the southern boundary of the Zone, which are not or only scarcely populated. All this may create additional tension, which could otherwise be avoided. Indeed, some elements of the Ethiopian forces and a number of Eritrean militiamen exchanged fire on 6 June, when both sides were patrolling too close to the southern boundary of the Zone.

9. On 16 April, my Special Representative and the Eritrean Commissioner signed a Protocol Agreement on the functioning of local militia and police inside the Temporary Security Zone. The Protocol outlines the terms under which Eritrean militia and police are expected to operate within the Zone, and limits the types of weapons that they may carry. It requires all militia and police to possess identification and weapons permits, and to wear distinctive uniforms. The Protocol also provides for the storage of certain types of weapons in predetermined locations inside the Zone. As of 13 June, UNMEE had lodged seven protests with the Eritrean authorities concerning violations of the Protocol by the police, and 24 protests concerning the militia. These protests include the establishment of unannounced or unauthorized checkpoints, possession of unauthorized weapons, absence of identification or weapons permits, and use of Eritrean Defence Forces' vehicles. Notwithstanding these problems, UNMEE has so far received good cooperation on the ground from both police and militia.

10. On 21 April, Ethiopia issued a statement in which it rejected key elements of the Protocol Agreement on

police and militia. In particular, Ethiopia objected to the number of Eritrean militia to be deployed in the Zone, the type of weapons that they would be allowed to carry and the fact that militia members would wear distinctive uniforms. In this regard, Ethiopia stressed that it was "totally unacceptable to deploy a uniformed and well-organized force within the Temporary Security Zone under the guise of militia". The Ethiopian authorities have pointed to this as evidence that the Zone has not been demilitarized. Subsequently, the Ethiopian Minister for Foreign Affairs expressed similar concerns in a letter dated 7 May 2001 (S/2001/448) addressed to the President of the Security Council.

11. On 14 May, the Eritrean Minister for Foreign Affairs wrote to the President of the Council (S/2001/477) stating that Eritrea had no intention to "bring back its army to the Temporary Security Zone" through a back door, and that "a couple of thousand of lightly armed Eritrean police and militias dispersed in more than 400 villages over a total area of 25,000 square kilometres, cannot pose a legitimate cause of concern to Ethiopia".

12. In the absence of any information regarding the pre-conflict strength and configuration of Eritrean local militia and police, UNMEE is currently engaged in determining what would constitute "an appropriate but limited number of Eritrean civilian police and militia", as indicated in the Security Council's Presidential Statement of 15 May 2001 (S/PRST/2001/14). The intention in this regard is to balance the need to ensure law enforcement in the Temporary Security Zone, while maintaining the Zone as a demilitarized area. UNMEE will therefore determine maximum numbers of police and militia, based on objective criteria, in consultation with the Eritrean authorities, and having in mind the demilitarized nature of the Zone.

UNMEE's freedom of movement

13. In the Agreement on the Cessation of Hostilities of 18 June 2000, Eritrea and Ethiopia agreed to the "guarantee of the free movement and access of the Peacekeeping Mission and its supplies, as required through the territories of the parties" (S/2000/601). Notwithstanding this commitment, as of 13 June, UNMEE had recorded and protested 113 restrictions on its freedom of movement by Eritrea and 30 by Ethiopia.

14. The Ethiopian authorities have agreed to the principle of UNMEE's freedom of movement in the Temporary Security Zone and adjacent areas and so far, have worked to reduce the incidence of restrictions. However, the Eritrean Government has repeatedly argued that UNMEE's freedom of movement should be limited to the Temporary Security Zone and to the main supply/access routes, and that it should not extend to the 15-km-wide area adjacent to the Zone. These restrictions impede the Mission's ability to discharge its monitoring mandate, which requires the United Nations not only to monitor the Zone, but also to monitor the forces of the two parties after their redeployment and repositioning in the vicinity of the Zone. Given the deployment of UNMEE and its facilities in various areas of Eritrea, and the limited number of serviceable roads in the country, these restrictions also affect the Mission's operational effectiveness in a major way.

15. Regrettably, despite my appeals and those of the Council, there has been no progress regarding the establishment of a direct high-altitude flight route between Asmara and Addis Ababa for the use of UNMEE's aircraft. The Eritrean authorities continue to maintain that UNMEE should fly, as initially requested and agreed, on the most direct route, and decline to make any adjustments to it. At the same time, the Ethiopian authorities insist on a short diversion from the most direct route. However, they have agreed that UNMEE may fly by any other route between the two countries. UNMEE has recently presented Eritrea with two alternative high-altitude international flight routes approved by the International Civil Aviation Organization (ICAO). The United Nations has also engaged contacts with ICAO in order to seek alternative ways of resolving this important issue.

Military Coordination Commission

16. The United Nations has continued to attempt to build confidence between the parties through the Military Coordination Commission (MCC), which remains the only channel for direct and regular contacts between them. At the fifth meeting of the MCC, held in Djibouti on 6 April, the Commission considered the establishment of joint investigation teams to address possible future military incidents between the parties. The meeting also discussed the restoration of the Eritrean militia and police in the Temporary Security Zone, freedom of movement, mine information, and the

need for the parties to plan for customs and immigration control along the southern boundary of the Temporary Security Zone.

17. At the sixth meeting of the MCC held in Nairobi on 21 May, the parties agreed to the establishment of three sector-level MCCs. They also agreed in principle to establish a joint cooperative mechanism, with the participation of the Organization of African Unity and UNMEE, to undertake the repatriation of remains of soldiers from areas both north and south of the southern boundary of the Temporary Security Zone. The issues of local militia, police, and freedom of movement were further discussed.

18. With the establishment of the Temporary Security Zone and the planned commencement of sector MCCs, additional possibilities will be created for a more sustained military coordination with the parties. UNMEE has repeatedly stressed to them that the time has come to start holding meetings of the MCC in the two capitals as a means of building confidence. While the Ethiopian authorities have agreed to this, Eritrea has so far declined, claiming security concerns for its participants in the MCC.

III. Status of the United Nations Mission in Ethiopia and Eritrea

Deployment of the Mission

19. In the second half of March, both the Indian force reserve company and the Indian engineering company were deployed to the Mission area. In early May, an additional Slovak demining platoon was also inducted to UNMEE. This brought to a successful conclusion the original deployment of the Mission. As at 15 June, the strength of the military component of UNMEE stood at 5,631 military personnel[1] from over 40 countries, including 4,692 troops, 116 military staff, 216 military observers and 607 national support elements. The civilian component of the Mission was comprised of 221 international staff, 6 United Nations volunteers and 240 local staff.

20. On 17 May, 33 headquarters staff officers of the Standby High Readiness Brigade departed the mission area and have been replaced by new staff officers. Advance elements of the French guard and administration company arrived on 28 May to replace the company from Denmark, which has been supporting the Force headquarters. Similarly, advance elements of the Indian battalion arrived on 30 May, with the main body being inducted in mid-June. They are replacing the combined Dutch/Canadian battalion currently stationed in the central sector and scheduled to depart by 16 June 2001. I wish to take this opportunity to express my appreciation to the Steering Committee and Member States of the Standby High Readiness Brigade for their vital contribution to UNMEE's speedy and efficient deployment.

21. Within its current strength, the military observers team has redeployed officers from the Asmara headquarters to establish four additional team sites in Sector West and also to reinforce the Sector headquarters.

Status-of-forces agreements

22. On 22 March, Ethiopia signed the status-of-forces agreement (SOFA) for UNMEE. However, the SOFA with Eritrea still remains under negotiation. UNMEE is currently awaiting the new proposals that the Eritrean Government has promised to make to resolve the two outstanding issues.

Mine action

23. The landmine and unexploded ordnance situation in the Temporary Security Zone is slowly but steadily becoming clearer now that more information has been provided by the parties and as on-site surveying progresses. In March, Eritrea handed over to UNMEE 313 mine records, covering approximately 175,000 anti-personnel mines and 45,000 anti-tank mines. As of that month, the Ethiopian Government had also provided some 17 reports to the Mine Action Coordination Centre, representing the results of the rapid survey conducted by the HALO Trust in the Temporary Security Zone in areas then controlled by Ethiopia. However, additional minefield information is still being sought. The Ethiopian authorities maintain that they have no central records of mines laid in the Temporary Security Zone, but have agreed to facilitate the collection by Mine Action Coordination Centre personnel of any available information directly from Ethiopian Army engineers.

24. Information obtained so far from the parties has been entered into the Mine Action Coordination Centre

Information Management System for Mine Action database and will subsequently be verified on the ground. However, the full scope of the mine/unexploded ordnance problem will not be known until such time as proper socio-economic impact surveys have been conducted in the mine-affected areas. In this regard, both countries have requested United Nations assistance.

25. Even at this stage, however, it is clear that the mine/unexploded ordnance threat in the Temporary Security Zone, and in adjacent areas, is very real. It places UNMEE troops at risk, as evidenced by the two separate landmine strikes involving Canadian contingent armoured vehicles in March, as well as an earlier explosion affecting a HALO survey team vehicle on 20 February. The threat to the civilian population is far greater. Mine and unexploded ordnance accidents are increasing, currently being reported at the rate of about one per day within the Temporary Security Zone. The real figure, taking into account unreported accidents, may be significantly higher.

26. The UNMEE Mine Action Coordination Centre is continuing to offer technical assistance to Ethiopia and Eritrea in fulfilling their mine action obligations under the Agreement on Cessation of Hostilities, and to coordinate mine action activities in the Temporary Security Zone, and adjacent areas, as required.

27. Although internally displaced persons (IDPs) in Ethiopia, who have largely returned to their home areas, appear to recognize landmine and unexploded ordnance dangers, as mentioned above, the presence of mines still presents a significant threat to life and an obstacle to the full restoration of livelihoods along a significant portion of the border zone. Growing pressure to cultivate, collect firewood and graze animals is expected to result in a gradual increase in casualties. Realizing that the actual removal of mines in the former conflict zones is going to take many years — even with the significant World Bank loan being used for demining — the need for expanding and improving mine-awareness training among affected communities has become more urgent. Current constraints in Ethiopia include the lack of complete information on the location and composition of minefields, insufficient funding for technical assistance/capacity-building and mine-awareness training.

28. In Eritrea, UNMEE is working in close cooperation with United Nations Children's Fund (UNICEF) and international non-governmental organizations (NGOs) to create greater mine awareness in the population. Mine-awareness information materials are also being produced for broadcast on UNMEE radio.

29. UNMEE's Slovak and Bangladeshi demining units continue to prove routes and clear key operational sites. A combined Slovak/Kenyan company has been formed to operate in Sector East (Assab-Bure). Contingent ordnance disposal teams are undertaking disposal of landmines and unexploded ordnance in the field.

30. In the meantime, humanitarian demining teams are being trained and equipped in collaboration with the Eritrean Mine Action Centre and the National Training Centre, with the assistance of UNMEE Mine Action Coordination Centre and NGOs such as the HALO Trust, Danish Church Aid and the Danish Demining Group. Several teams, including two from the Eritrean Demining Agency, who were trained with UNMEE financing, have already been deployed to the Temporary Security Zone to conduct minefield survey, marking and clearance tasks in support of the humanitarian relief efforts.

31. The UNMEE budget will continue to provide for the core Mine Action Coordination Centre staff and equipment so that it can effectively carry out its role of coordination, technical advice and information management for mine action in the Temporary Security Zone. In addition, the Mine Action Coordination Centre intends to take a more proactive role in the development of national capacities to ensure that the necessary resources are mobilized as soon as possible to deal with the current threat, and that sufficient sustainable capacity is built in the medium term.

32. In this regard, I wish to express my deep appreciation to donors for the generous contributions provided through the Voluntary Trust Fund for Mine Action managed by the United Nations Mine Action Service, that allow mine action activities that are complementary to, but outside of the UNMEE mandate, to be undertaken. In yet another complementary effort, the United Nations Development Programme (UNDP) and UNICEF are receiving demining contributions directly and are providing assistance to the Governments of Ethiopia and Eritrea

to further develop their national mine action capacities. Bilateral efforts are also having an impact: the initial HALO Trust danger area survey was funded bilaterally, as are a follow-up survey project, a HALO Trust mine action project and the provision of trainers.

33. However, funding remains a constraint on the urgently needed mine-awareness activities, and is having an impact on the speed with which humanitarian deminers can be trained, equipped, and deployed with adequate supervision. The Eritrean Government has recently demobilized 650 combat engineers and made them available for mine action work within the Temporary Security Zone. Some of them can be absorbed immediately into ongoing training initiatives, but additional financing is needed to absorb all of them effectively. There are several mine action project proposals currently under consideration by the international donor community that, if funded, could greatly assist in this regard. I urge those countries that are in a position to do so to contribute to the many important mine action projects already developed but still short of funding.

Quick Impact Projects

34. A total of US$700,000 has been allocated in the UNMEE budget to address some of the immediate needs in the Temporary Security Zone and adjacent areas in Eritrea and Ethiopia through quick impact projects. These projects are implemented by United Nations agencies, local and international NGOs and government institutions. As of 13 June, over 50 per cent of the available funds had been allocated for approved projects in both Ethiopia and Eritrea. These projects cover a variety of interventions in health, water, sanitation, education and training. As more IDPs return to the Temporary Security Zone and adjacent areas, additional critical needs are likely to be identified; it is anticipated that the number of quick-impact proposals submitted to UNMEE will increase. Since funding of quick-impact projects from UNMEE's assessed budget is limited to the first year of the Mission's duration, it is my intention to establish a special trust fund to enable UNMEE primarily to continue to undertake such projects from voluntary contributions.

Public information

35. UNMEE's public information programme is now entering a critical phase, focusing increasingly on communicating the Mission's message to the people of Ethiopia and Eritrea, particularly in the light of the establishment of the Temporary Security Zone and the commencement of the return of IDPs to the Zone.

36. Since mid-January, UNMEE has been broadcasting weekly one-hour programmes with news on the Mission and humanitarian issues and information on Eritrean radio, in Arabic, English, Tigre and Tigrinya. The continuing obstacles to providing UNMEE similar access to broadcast free of charge in Ethiopia have not yet been overcome. However, UNMEE radio materials and programmes are available on the United Nations web site in English and six local Ethiopian languages (Amharic, Arabic, Afaan Oromo, Tigre, Ethiopian-Tigrinya, Eritrean-Tigrinya). In the meantime, mine-awareness leaflets in three languages have been distributed throughout the Temporary Security Zone and adjacent areas. A variety of print materials are also being produced in local languages on the importance of peace, the mandate of the Mission and essential aspects of UNMEE's activities.

37. In addition, media outreach programmes are actively being pursued, including the provision of regular briefings to local and international journalists, organization of interviews with the Special Representative and UNMEE senior staff, and the provision of information on, and access to, the Temporary Security Zone for international and national media. A television package containing footage of the Mission at work will be made available soon.

IV. Boundary Commission and Claims Commission

38. The Boundary Commission and the Claims Commission established in accordance with the Peace Agreement concluded between Ethiopia and Eritrea on 12 December 2000, have started their work. The initial difficulties regarding the nomination of some of the Commissioners, have been successfully resolved in conformity with a proposal presented to the parties. Information on the main activities of the two Commissions since their inception, provided by their

respective Presidents, is contained in annexes I and II to the present report.

39. As noted in the first report on the work of the Eritrea/Ethiopia Boundary Commission (annex I), a draft operational plan was prepared by the United Nations Cartographer, who is the Secretary of the Commission, and has been communicated to the Commission for its consideration. Once approved, this operational plan will constitute the basis for cost estimates for the on-site work of the Commission. The operational plan will also identify the Boundary Commission's requirements and allow it to prepare its budget. In the meantime, the Commission's activities will continue to be financed from voluntary contributions totalling some $3.8 million, which have so far been received or pledged, to the Trust Fund for the delimitation and demarcation of the border established pursuant to Security Council resolution 1177 (1998) and from the disbursements expected from the parties. I shall revert to Member States at a later stage if additional funding through other mechanisms is required.

40. In this connection, I would like to express my appreciation to those Member States who have generously heeded my appeal for contributions to the Trust Fund, and I reiterate my call to the parties to meet their obligation to bear the cost of the Boundary Commission.

V. Humanitarian developments

41. Although the impact of the drought is still being felt in both Ethiopia and Eritrea, most northern areas of the Tigray region have received enough rain during the "small" rainy season to begin land preparation for the main rainy season due in June/July. In the Temporary Security Zone, the majority of IDPs have not yet returned to their home areas, and even if they do return in time for the planting season, many of the returning families may not have sufficient agricultural inputs, such as seeds, tools and plough oxen, to take full advantage of this year's planting season.

42. Significant numbers of IDPs have moved back to their home areas, either spontaneously or through returns organized by the Government with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR). There were approximately 160,000 IDPs in camps in mid-April and another 100,000 to 150,000 living in host communities; by 13 June, it is estimated that over 81,000 people had returned home through organized moves. However, the provision of timely and effective support to the returning population has been hampered by the lack of advance information from the Eritrean Government to the humanitarian agencies on the planned moves.

43. At the end of May, the Eritrean Government released its operational plan for the second phase of government-organized returns of IDPs to the Temporary Security Zone and adjacent areas. The plan, which covers roughly a period of three to four weeks, details repatriation of about 20,000 IDPs from Debub camps and 14,500 IDPs from Gash Barka camps to various villages in these two regions.

44. In preparation for the return of IDPs back to the Temporary Security Zone, the United Nations Country Team and the Eritrean Government, with UNMEE's support, conducted a series of rapid village assessments in all the regions of the Temporary Security Zone. Although priorities differed from area to area, the survey teams found extensive damage to basic infrastructure in most areas and the team reports highlighted the need for immediate interventions in the provision of water, health services and shelter, as well as the procurement of agriculture inputs to farmers.

45. Last February, the Country Teams of Ethiopia and Eritrea issued consolidated appeals covering relief needs for drought, displaced persons and refugees/returnees. Recently, the pledge situation has improved somewhat with 27 per cent of the overall food requirement being pledged and additional food aid pledges from donors expected in the near future. Pledges for the very important non-food component have also increased recently, with a significant contribution from the Government of the Netherlands. However, in view of the urgent humanitarian requirements over the next few months, it would be important that donors respond positively to the various appeals issued by both Eritrea and Ethiopia. Meanwhile, the continuing cooperation between the United Nations agencies and UNMEE greatly facilitates the provision of humanitarian assistance to the IDPs throughout the Mission area of operation.

46. At a tripartite meeting held in March between the Government of the Republic of the Sudan, the Government of the State of Eritrea and UNHCR, it was agreed that the voluntary repatriation of Eritrean

refugees from the Sudan should begin as quickly as possible. Accordingly, on 12 May the first group of approximately 900 Eritrean refugees from the Sudan were repatriated by UNHCR and the Eritrea Relief and Rehabilitation Commission. This group of returnees was part of the new caseload that fled to the Sudan as a result of the fighting in May/June 2000 and will be settled in their home villages. Once all the new caseload refugees have been voluntarily repatriated, the older group dating from the 1960s will be moved back to Eritrea. The Government of the Sudan estimates that there are currently about 174,000 Eritrean refugees in the Sudan and they plan to repatriate roughly 62,000 this year and the balance in 2002. As of 12 June, a total of approximately 12,055 from both the old and new caseloads had been repatriated.

47. In early May, the United Nations Country Teams of Eritrea and Ethiopia held their fourth joint meeting in Asmara since 1998. The meeting, which included representatives from all the main United Nations operational agencies, considered ways to collaborate more effectively with the host Governments on a wide range of humanitarian issues, including HIV/AIDS, resource mobilization, the safe return of displaced and refugee populations; and ways and means of supporting the peace and reconciliation process between the two countries. Among other things, the two Country Teams agreed to organize a series of national workshops on each side of the border around the themes of development, peace and tolerance; to jointly pursue pilot initiatives for the reunification of separated families; and to seek to engage the Ethiopian and Eritrean diaspora as a force for peace and reconciliation in support of any initiatives in this regard.

Release and repatriation of prisoners of war and repatriation of civilians

48. During the period under review, Ethiopia released and repatriated, with the assistance of the International Committee of the Red Cross (ICRC), 242 Eritrean prisoners of war, and Eritrea released and repatriated 1 Ethiopian prisoner of war, on health grounds. According to ICRC figures, some 400 prisoners of war remain in Eritrea, and some 1,300 in Ethiopia. There has been no further progress in the repatriation despite the requirements of international humanitarian law and the commitment made by both Governments under article 2 of the Agreement of 12 December 2000 (S/2000/1183, annex) to release and repatriate all prisoners of war "without delay".

49. During the reporting period, ICRC also assisted in the voluntary repatriation of 9,822 Ethiopians from Eritrea. These included a small number of less than 60 civilian internees, and many others who had recently been detained by the Eritrean authorities for holding expired residence permits. Since December 2000, a total of 14,179 civilians have returned to Ethiopia. On 1 June, a group of 285 Eritreans, who had been living in the Tigre area of Ethiopia, were repatriated to Eritrea with the assistance of ICRC.

VI. Human rights

50. During the period under review, the human rights component of UNMEE became operational with the arrival of five of the expected seven human rights officers in the Mission area. Human rights officers began investigating the treatment of Eritreans in Ethiopia and of Ethiopians in Eritrea in the context of the conflict. Monitoring activities within the Temporary Security Zone and adjacent areas have begun, with visits by human rights officers to all sectors. In addition to investigating allegations of human rights violations within the Temporary Security Zone, the human rights officers, in collaboration with other UNMEE and United Nations agencies personnel, are monitoring the return of IDPs. Special attention is being paid to vulnerable groups and populations affected by the conflict. UNMEE human rights experts also contributed to a pilot project providing gender and human rights training to peacekeepers at five locations in Ethiopia and Eritrea.

VII. Confidence-building measures

51. UNMEE stands ready to contribute to any confidence-building efforts that would promote lasting peace between the two countries. In this context, my Special Representative and his Deputies have met with the religious leaders of Ethiopia and Eritrea and have offered every support to their initiative to meet at a location in the border area. UNMEE had planned to provide logistical assistance and security to such a meeting, which was scheduled for 19 to 21 May and to assist in media coverage. The postponement of the

meeting, due to incomplete preparations in Ethiopia, was very regrettable. However, the Patriarch of Ethiopia assured my Special Representative of the continued commitment of the religious leaders to pursue this initiative. In another effort to build confidence between the parties, UNMEE intends to assist in repairing a bridge over the Mereb river between the two countries.

52. The Military Coordination Commission, which, as indicated in paragraph 16 above, is currently the only forum for direct contacts between both parties, also serves as a useful confidence-building mechanism. In addition, the United Nations Country Teams in Ethiopia and Eritrea, which met recently together, committed themselves to actively promoting the peace and reconciliation process, and confirmed their intention to develop appropriate initiatives to that effect, in close coordination with my Special Representative.

VIII. Observations

53. The Governments of Ethiopia and Eritrea deserve to be commended for their continued commitment to the peace process and for their overall compliance with their obligations under the Algiers agreements, in spite of the fact that serious difficulties remain. The establishment of the Temporary Security Zone is an encouraging development, which, despite the disagreements between the parties, marks a milestone in the implementation of the Agreement on Cessation of Hostilities. However, it is imperative that the parties resolve the outstanding issues, in particular those pertaining to the Temporary Security Zone, so as to ensure that it is clearly defined and effectively demilitarized.

54. In this regard, in separate letters dated 1 June addressed to the President of Eritrea, Isaias Afwerki, and to the Prime Minister of Ethiopia, Meles Zenawi, I reiterated my appeal to them to resolve all outstanding issues without further delay. I called President Isaias' attention to the deployment by Eritrea of an excessive number of militia and police in the Zone, and noted that the status-of-forces agreement for UNMEE has not yet been signed. I expressed concern to Prime Minister Meles over the continued presence of Ethiopian troops in parts of the eastern sector of the Temporary Security Zone. The letters to both leaders also mentioned the continuing restrictions imposed on UNMEE's freedom of movement and the establishment of a direct high altitude air route between Asmara and Addis Ababa for the use of United Nations flights. On 6 June, President Isaias responded to my letter. However, as of 15 June, I had not received a reply to my letter from Prime Minister Meles Zenawi. My Special Representative will continue his efforts with both sides with a view to an early resolution of these issues.

55. The humanitarian situation in Ethiopia and in Eritrea remains a source of major concern. I therefore urge the international donor community to respond generously to the United Nations Country Teams' requests for humanitarian assistance for the two countries. I call upon both Governments to continue to cooperate closely with the United Nations to address the humanitarian challenges with which they are confronted.

56. Mines and unexploded ordnance remain a serious threat to UNMEE troops and the civilian population, including IDPs who are returning to their homes in the Temporary Security Zone and areas adjacent to it. As additional resources are urgently needed to support demining activities, I reiterate my call to Member States to provide the funds required to sustain these vital tasks.

57. The consolidation of the peace process between Ethiopia and Eritrea will require the continued commitment of their leaders to the peace agreements. In this respect, I would like, once again, to emphasize the importance of the work of the Boundary Commission. The Commission is mandated to delimit and demarcate the border between the two countries, with a view to resolving the dispute that was the root cause for the war between them. While it is encouraging that the problems encountered with its composition have been solved, I call upon both Governments to cooperate fully with the Boundary Commission and to meet their obligation to bear the related costs.

58. Lasting peace between Ethiopia and Eritrea and the restoration of normal relations will require a further effort to ensure reconciliation between the peoples of two countries among which the recent and painful war has generated deep mistrust. In this respect, it is essential that the leadership of both countries, with the assistance of the international community, seek to build trust and confidence between their respective people. Initiatives such as the planned encounter of the

religious leaders of both countries are commendable and should be followed by other similar endeavours. In this connection, I regret that, despite some softening of the hostile rhetoric in the media, neither Government has yet displayed publicly much openness to a normalization of relations between them. It is important that political developments in both countries should not distract them from their commitments to a peaceful settlement of their differences. I trust that the leaders of Ethiopia and Eritrea will remain fully committed to further consolidating the peace process.

59. In conclusion, I would like to pay a tribute to my Special Representative, Mr. Legwaila Joseph Legwaila, and to all military and civilian personnel of UNMEE, as well as to humanitarian workers and representatives of non-governmental organizations, for the dedicated way in which they have been carrying out their duties and their contribution to the consolidation of the peace process.

Notes

[1] This figure temporarily exceeds the authorized strength. It is planned that by 16 June 2001 the total number of military personnel will be reduced to the maximum authorized strength.

Annex I

Eritrea/Ethiopia Boundary Commission

First report on the work of the Commission

1. The Eritrea/Ethiopia Boundary Commission was formally constituted on 20 February 2001, the date on which the President accepted appointment by the four party-appointed Commissioners.

2. The current composition of the Commission is: Sir Elihu Lauterpacht, CBE, QC (President); His Excellency Prince Bola Adesumbo Ajibola (appointed by Ethiopia); Judge Stephen M. Schwebel (appointed by Eritrea); and Sir Arthur Watts, KCMG, QC (appointed by Ethiopia). The current vacancy on the Commission, caused by the resignation of one of the Commissioners originally appointed by Eritrea, is expected to be filled in the very near future.

3. Pursuant to article 4, paragraph 8, of the Agreement of 12 December 2000, the parties provided the Secretary with statements of their claims and evidence relevant to the mandate of the Commission. The Secretary reviewed the statements and on 12 March 2001 transmitted to the Commission and the parties materials relevant to the mandate of the Commission as well as his findings identifying those portions of the border as to which there appears to be no dispute between the parties. On 23 March 2001, the Government of Ethiopia reserved its position with respect to these findings.

4. In order to expedite the proceedings, the Commissioners met together in The Hague on 25 March 2001 at the premises of the Permanent Court of Arbitration at the Peace Palace. On 26 March 2001, an informal meeting to discuss procedural matters was held between the Commissioners and the parties. It was understood that the meeting would be without prejudice to the position of the parties, pending the resolution of the question of a challenge to one of the members of the Commission. At the meeting, the parties were represented by their agents and counsel. The United Nations Cartographer, as Secretary of the Commission, was also present.

5. The parties agreed that there should be appointed to assist the Commission, in addition to the Secretary provided for in the Agreement of 12 December 2000, a legally trained Registrar. Ms. Bette Shifman, Principal Legal Counsel of the Permanent Court of Arbitration, was accordingly appointed.

6. A time-line for the first phase of the Commission's work (the delimitation of the border) was tentatively agreed. It was subsequently amended and is now as follows:

- The parties will simultaneously file written Memorials on 30 June 2001.
- The parties will simultaneously file written Counter-Memorials on 22 September 2001.
- Consideration will then be given to whether the parties should exchange replies.
- A pre-hearing consultation will be held between the Commission and the parties on 6 November 2001.

- Hearings will be held in The Hague between 10 and 21 December 2001.
- It is hoped that the decision on delimitation will be reached in February 2002.

The demarcation stage of the Commission's work will then be begun.

7. Pursuant to instructions from the Commission, the Secretary sent a team to carry out a field reconnaissance of the border areas with a view to preparing an operational plan for the information of the Commission outlining the steps that need to be taken for the delimitation and demarcation of the boundary. The team was in the area between 15 April and 1 May 2001. A possible operational plan for the consideration of the Commission was communicated to it on 23 May 2001. This material is for the internal use of the Commission and is without prejudice to the respective positions of the parties.

8. The Commission has been actively engaged in preparing its rules of procedure, as required by article 4, paragraph 11, of the Agreement of 12 December 2000. They will be adopted when the membership of the Commission is completed.

9. Article 4, paragraph 17, of the Agreement of 12 December 2000 provides that the expenses of the Commission shall be borne equally by the two parties, and that to defray its expenses, the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council resolution 1177 (1998) of 26 June 1998. The initial contributions that the Commission requested from the parties have not yet been received. The expenses of the reconnaissance team referred to in paragraph 8 above have been met from the Trust Fund.

29 May 2001

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

Annex II

Eritrea/Ethiopia Claims Commission

Report to the Secretary-General on the work of the Commission: February-May 2001

1. The Eritrea/Ethiopia Claims Commission was established pursuant to article 5 of the Agreement signed in Algiers on 12 December 2000 between the Governments of the State of Eritrea and the Federal Democratic Republic of Ethiopia (the "December Agreement"). The mandate of the Commission is

> "to decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law."

2. Pursuant to the December Agreement, the Commission is an independent body, located in The Hague. The current composition of the Commission is: Professor Hans Van Houtte (President); Mr. John Crook (appointed by Eritrea); Dean James Paul (appointed by Ethiopia); and Ms. Lucy Reed (appointed by Eritrea). The current vacancy on the Commission, caused by the resignation of one of the Commissioners originally appointed by Ethiopia, is expected to be filled in the very near future. The Commission has appointed as Registrar Ms. Bette E. Shifman, Principal Legal Counsel of the Permanent Court of Arbitration.

3. In order to begin planning for the proceedings, the Commissioners met together in The Hague from 26 to 28 March 2001 at the premises of the Permanent Court of Arbitration at the Peace Palace. On 27 March and 14-15 May 2001, the Commissioners and representatives of the parties held informal meetings in The Hague to discuss procedural matters. Prior to the 14-15 May informal meetings, the parties filed substantial memoranda with their views and suggestions.

4. On the basis of the useful discussion at the 14-15 May meeting, the President addressed to the parties a list of issues related to the process of preparing and submitting claims. These are to be addressed in written submissions to be filed by the parties on 15 June. A hearing on these matters is scheduled to take place in The Hague from 1 to 3 July, provided the fifth Commissioner has been appointed.

5. Pursuant to article 5, paragraph 6, of the December Agreement, the Commission is empowered to employ such professional, administrative and clerical staff as it deems necessary, and to retain consultants and experts. As part of its preparatory work on a possible mass claims process, the Commission has undertaken initial consultations with computer and software experts regarding the technical aspects of filing and processing mass claims. On 21 May 2001, the Commission organized a telephone conference connecting representatives of the parties and experts involved in designing computer systems and software for other mass claims systems.

6. The Commission will adopt its Rules of Procedure, as required by article 5, paragraph 7, of the December Agreement, in consultation with the parties, after the membership of the Commission is completed.

7. Pursuant to article 5, paragraph 8, of the December Agreement, the deadline for submitting claims to the Commission is one year from the effective date of that agreement, i.e., 12 December 2001. Claims are to be submitted to the Commission by each of the parties on its own behalf and on behalf of its nationals, including both natural and juridical persons. The December Agreement further provides that the Commission shall endeavour to complete its work within three years of the closing date for filing claims.

7 June 2001

(*Signed*) Professor Hans **Van Houtte**
President of the Claims Commission

Annex III

United Nations Mission in Ethiopia and Eritrea: Contributions as at 15 June 2001

	Military observers	*Staff officers*	*National support elements*	*Troops*	*Total*
Algeria	8				8
Australia		2			2
Austria	3	4			7
Bangladesh	6	6		160	172
Benin	5	3			8
Bosnia and Herzegovina	8				8
Bulgaria	4				4
Canada	6		349	445*	800
China	5				5
Croatia	5				5
Czech Republic	2				2
Denmark	4	3	42	58*	107
Finland	7	3			10
France		2		180	182
Gambia	4	2			6
Ghana	11	7			18
Greece	2				2
India	5	16		1 306	1 327
Italy	4	8		141	153
Jordan	6	15		942	963
Kenya	10	12		605	627
Malaysia	7	5			12
Namibia	3	2			5
Nepal	4				4
Netherlands	1	6	211	653*	871
Nigeria	6	1			7
Norway	5				5
Paraguay	2				2
Peru	2				2
Poland	6				6
Romania	8				8
Russian Federation	6				6
Singapore	2				2
Slovakia		4	5	202	211
South Africa	5	2			7

	Military observers	*Staff officers*	*National support elements*	*Troops*	*Total*
Spain	3	2			5
Sweden	8				8
Switzerland	4				4
Tunisia	3	3			6
Ukraine	6				6
United Republic of Tanzania	8	3			11
United States of America	6	1			7
Uruguay	6				6
Zambia	10	4			14
Total	**216**	**116**	**607**	**4 692**	**5 631**

* This figure temporarily exceeds the authorized strength. It is planned that by 16 June 2001 the total number of military personnel will be reduced to the maximum authorized strength.

United Nations S/2001/609

Security Council

Distr.: General
19 June 2001

Original: English

Letter dated 18 June 2001 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward the attached press release entitled "Eritrea protests Ethiopian Army attack", dated 18 June 2001, issued by the State of Eritrea Commission for Coordination with the United Nations Mission in Ethiopia and Eritrea.

(*Signed*) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative

01-41747 (E) 190601

Annex to the letter dated 18 June 2001 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release

Eritrea protests Ethiopian Army attack

The Government of the State of Eritrea today lodged a strong protest against an attack yesterday morning by the Ethiopian Army on the Eritrean police station at the sixty-fourth kilometre (km) mark along the Assab-Burie Road, well inside the Temporary Security Zone, as per its agreed location.

The strong protest was conveyed through a letter from Commissioner Andebrhan to the Special Representative of the Secretary-General for Ethiopia and Eritrea, Ambassador Legwaila Joseph Legwaila. In his letter, Ambassador Andebrhan stated that Ethiopian troops had penetrated the Temporary Security Zone in the Eastern Sector and attacked the Eritrean police and militia units stationed at the sixty-fourth km mark along the Assab-Burie road yesterday, 17 June 2001. According to the letter, Ethiopian troops had moved from a position at elevation point 611 (grid reference 965042) towards the sixty-fourth km location and, using light machine guns, attacked the police station at 0530 hours from a range of 300-400 metres. They killed one member of the local militia before being driven back. The protest letter further stated that the attack had been verified by the Eastern Sector Command and Military Liaison Office of the United Nations Mission in Ethiopia and Eritrea (UNMEE).

The Government's protest stated that this new Ethiopian attack "occurred deep inside the Temporary Security Zone and constitutes a grave violation of the Agreement on Cessation of Hostilities, represents a dangerous escalation of Ethiopia's acts to turn the Temporary Security Zone into a zone of 'permanent insecurity', and poses a dire threat to the peace process". The letter condemned Ethiopia's provocative act of aggression and called on the "international community, as the guarantor of the agreement, to take appropriate measures to ensure that Ethiopia respects its commitment under the Agreement on Cessation of Hostilities".

United Nations S/2001/610

Security Council

Distr.: General
20 June 2001

Original: English

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997, 1168 (1998) of 21 May 1998, 1174 (1998) of 15 June 1998, 1184 (1998) of 16 July 1998, 1247 (1999) of 18 June 1999, and 1305 (2000) of 21 June 2000,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (SFOR), the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the Commissioner and personnel of the International Police Task Force (IPTF), the Organization for Security and Cooperation in Europe (OSCE), and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting that the States in the region must play a constructive role in the successful development of the peace process in Bosnia and Herzegovina, and *noting* especially the obligations of the Republic of Croatia and the Federal Republic of Yugoslavia in this regard as signatories to the Peace Agreement,

Welcoming, in this regard, the positive steps taken by the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia to strengthen their bilateral relations with Bosnia and Herzegovina, as well as their increasing cooperation with all relevant international organizations in implementing the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

01-42034 (E) 210601

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

Noting the reports of the High Representative, including his latest report of 13 March 2001 (S/2001/219),

Having considered the report of the Secretary-General of 7 June 2001 (S/2001/571), and *welcoming* the UNMIBH Mandate Implementation Plan,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President of 10 February 2000 (S/PRST/2000/4),

Welcoming and *encouraging* efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Acting under Chapter VII of the Charter of the United Nations,

I

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex), *calls upon* the parties to comply strictly with their obligations under those Agreements, and *expresses* its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina, under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that the High Representative is the final authority in theatre regarding the interpretation of Annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with Annex 1-A of the Peace Agreement;

7. *Reaffirms* its intention to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational stabilization force established in accordance with its resolution 1088 (1996), and *welcomes* their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the multinational stabilization force, set out in the declaration of the Ministerial meeting of the Peace Implementation Conference in Madrid on 16 December 1998 (S/1999/139, annex);

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to continue for a further planned period of 12 months the multinational stabilization force (SFOR) as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement, and *expresses* its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for compliance with that Annex and shall be equally subject to such enforcement action by SFOR as may be necessary to ensure implementation of that Annex and the protection of SFOR, and *takes note* that the parties have consented to SFOR's taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of SFOR, either in defence of SFOR or to assist the force in carrying out its mission, and *recognizes* the right of the force to take all necessary measures to defend itself from attack or threat of attack;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures established by the Commander of SFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of SFOR to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on SFOR by Annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of SFOR and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in Appendix B to Annex 1-A of the Peace Agreement, and *reminds* the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

* * *

Reaffirming the legal basis in the Charter of the United Nations on which the IPTF was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of UNMIBH, which includes the IPTF, for an additional period terminating on 21 June 2002, and *also decides* that the IPTF shall continue to be entrusted with the tasks set out in Annex 11 of the Peace Agreement, including the tasks referred to in the Conclusions of the London, Bonn, Luxembourg, Madrid and Brussels Conferences and agreed by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed and to report at least every six months on the implementation of the mandate of UNMIBH as a whole;

21. *Reiterates* that the successful implementation of the tasks of the IPTF rests on the quality, experience and professional skills of its personnel, and once again *urges* Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to, the IPTF on all relevant matters;

23. *Reiterates* its call upon all concerned to ensure the closest possible coordination between the High Representative, SFOR, UNMIBH and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of IPTF personnel;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the IPTF, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

26. *Decides* to remain seized of the matter.

United Nations A/56/98–S/2001/611

General Assembly
Security Council

Distr.: General
19 June 2001

Original: English

General Assembly
Fifty-sixth session
Item 179 of the preliminary list*
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 19 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest act of Palestinian terrorism that has claimed the life of yet another Israeli civilian.

Yesterday evening, at approximately 7.30 p.m. (local time), the vehicle of Doron Ziserman, age 36, came under fire from a Palestinian terrorist near the entrance to Einav. Ziserman was hit in the head and neck and died of his injuries a short while later. Ziserman was one of two Israelis killed yesterday; the killing of Danny Yehuda was detailed in my letter dated yesterday, 18 June 2001 (A/56/97-S/2001/604).

The killings of Danny Yehuda and Doron Ziserman are merely the latest casualties in a nearly nine-month campaign of Palestinian terrorism that has been detailed in my letters dated 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

* A/56/50.

01-41764 (E) 200601

These attacks also come as continued Palestinian attacks imperil the tenuous ceasefire to which both sides agreed last week. Over 40 incidents of gunfire, thwarted terrorist bombings, and other types of attacks or attempted attacks have been reported since the ceasefire took effect.

Nevertheless, Israeli forces are continuing to implement their responsibilities under the Tenet plan by refraining from any military action against Palestinian targets and by acting to alleviate the situation of the general Palestinian population. Israeli troops have redeployed from a number of locations and roadblocks have been dismantled, opening roads to Palestinian traffic. In addition, the international crossings at Rafah and Allenby have been opened to Palestinian commercial and civilian traffic.

Israel calls upon the Palestinian leadership to adhere to the terms of the ceasefire as outlined in the Tenet plan and to take immediate and concerted action to control all acts of violence emanating from the territory under its control.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under item 179 of the preliminary list, and of the Security Council

(*Signed*) Ambassador Aaron **Jacob**
Chargé d'affaires a.i.

United Nations A/56/99–S/2001/612

General Assembly
Security Council

Distr.: General
21 June 2001
English
Original: Arabic

General Assembly
Fifty-sixth session
Item 65 of the preliminary list*
Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security

Security Council
Fifty-sixth year

Letter dated 18 June 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

It is now the twentieth anniversary of the armed Zionist military aggression against the Iraqi nuclear installations dedicated to peaceful purposes, Israeli warplanes having carried out an air attack on the city of Baghdad and targeted the Iraqi nuclear installations at 1837 hours on 7 June 1981. This Zionist aggression created a dangerous precedent in international relations, inasmuch as it targeted nuclear installations that were dedicated to peaceful purposes and subject to the full-scale safeguards regime of the International Atomic Energy Agency (IAEA) and is an example of the use of force against an independent State in flagrant violation of the Charter of the United Nations and the norms of international law.

In view of the immediate and future legal, political and environmental dimensions of this Zionist aggression, international organizations adopted a series of resolutions and recommendations in its regard. The most significant of the responses from international organizations are set forth hereunder.

1. The Board of Governors of IAEA, in its resolution of 12 June 1981, and the General Conference of IAEA, in its resolution GC(XXV)/RES/381 of 26 September 1981, condemned Israel in the strongest terms, decided to suspend its rights and privileges as a member of the Agency and the provision of any assistance to it under the Agency's Technical Assistance Programme and requested the Security Council to keep the matter under review.

2. In its resolution 487 (1981), the Security Council:

Condemned the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;

* A/56/50.

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Expressed deep concern about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981;

Called upon Israel to refrain in the future from any such acts or threats thereof;

Considered that the Israeli attack constituted a serious threat to the entire IAEA safeguards regime, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;

Recognized the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;

Called upon Israel to place its nuclear facilities under the IAEA safeguards;

Considered that Iraq was entitled to appropriate redress for the destruction it had suffered, responsibility for which had been acknowledged by Israel.

The General Assembly adopted five resolutions on the armed Zionist aggression, namely resolutions 36/27, 37/18, 38/9, 39/14 and 40/6, under the item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security". In the aggregate of these resolutions, the Assembly:

Strongly condemned Israel for the deliberate and unprecedented act of aggression that it had committed in violation of the Charter of the United Nations and the norms of international conduct, which created a threat to international peace and security;

Condemned Israel's refusal to comply with Security Council resolution 487 (1981);

Requested the Security Council to take urgent and effective measures to ensure that Israel complied without further delay with the provisions of resolution 487 (1981) and to deter Israel from repeating such an attack on nuclear facilities;

Viewed with deep concern Israel's refusal to comply with the relevant resolutions of the Security Council, the General Assembly and IAEA;

Called upon States and organizations to discontinue their cooperation with and assistance to Israel in the nuclear field and to cease forthwith any provision to Israel of arms and related material of all types which enabled it to commit acts of aggression against other States;

Noted with concern that Israel had refused to accede to the Treaty on the Non-Proliferation of Nuclear Weapons despite repeated international appeals to do so, and called upon it urgently to place all its nuclear facilities under IAEA safeguards in accordance with Security Council resolution 487 (1981);

Considered the Israeli act of aggression to be a violation and a denial of the inalienable sovereign right of States to scientific and technological progress for achieving economic and social development and raising the standards of

peoples and the dignity of the human person, as well as a violation and a denial of inalienable human rights and the sovereign right of States to development; and affirmed the right of States to develop technological and nuclear programmes for peaceful purposes, in accordance with the internationally accepted objectives of preventing proliferation;

Called upon the Security Council to institute effective enforcement action to prevent Israel from further endangering international peace and security through its acts of aggression and continued policies of expansion, occupation and annexation;

Expressed its conviction that Israeli threats to attack nuclear installations in Iraq and in other countries would continue to jeopardize international peace and security in the region, and warned it to desist from such armed attacks against nuclear installations;

Affirmed that Israel bore international responsibility for its aggression against the Iraqi nuclear installations dedicated to peaceful purposes;

Expressed its grave concern over the misuse by Israel, in committing its acts of aggression against Arab countries, of the aircraft and weapons provided to it by the United States of America;

Expressed alarm at the increasing information and evidence regarding Israel's acquisition and development of nuclear weapons.

Many of the world's countries have also issued statements condemning the Zionist military aggression against Iraqi nuclear installations that were dedicated to peaceful purposes and subject to the IAEA safeguards regime, considering it to be in violation of the Charter of the United Nations and the norms of international law and to create a dangerous precedent in international relations and calling for the protection of nuclear installations dedicated to peaceful purposes, for such attacks not to be repeated and for the aggressor to be deterred.

The Zionist entity continues to defy the international community, and it has complied with none of the aforesaid resolutions. It is still refusing to accede to the Non-Proliferation Treaty and place its nuclear facilities under the IAEA full-scale safeguards regime, and it continues urgently to develop its arsenal of nuclear weapons, all types of weapons of mass destruction and the means for their delivery in order to perpetuate its illegitimate existence, maintain its occupation of Arab territory, threaten Arab national security and deprive the Arab nation of its legitimate right to scientific advancement. The stance of the Zionist entity receives support and backing from the United States, which is still providing it with scientific expertise under nuclear cooperation agreements. Zionist-American armaments cooperation, and in particular nuclear armaments cooperation, is to be regarded as in violation of the international agreements in the disarmament field and in particular of the Treaty on the Non-Proliferation of Nuclear Weapons, of which the United States is one of the depositary States.

The support of the United States in the armaments field has contributed to the excesses of the Zionist entity in its tendency towards aggression and expansion and to its violation of all the relevant international conventions by such actions as its bombardment of Palestinian civilians using American-made weapons, including

F-16 fighter aircraft, and its use of depleted-uranium projectiles and various types of tear gas.

The Zionist aggression against the Tammuz reactor, dedicated as it was to peaceful purposes, created a dangerous precedent in international relations and confirmed the Zionist policy of aggression and expansion to the detriment of the Arab nation and the threat it poses to Arab national security. It was one in a series of Zionist-American measures that seek to impose a scientific and technical blockade on the Arab nation. It disturbed the balance of forces in the Middle East, obstructed efforts to establish a zone free of nuclear weapons in the region and constituted premeditated aggression against the IAEA safeguards regime and against the Non-Proliferation Treaty.

On the twentieth anniversary of the Zionist aggression against Iraqi nuclear installations that were dedicated to peaceful purposes, we alert you to the dangers inherent in the possession by the usurper Zionist entity of nuclear weapons and other weapons of mass destruction for regional and international peace and security. We call for the implementation of the relevant resolutions of the Security Council, the General Assembly and IAEA and, in particular, of Security Council resolution 487 (1981), in which the Council calls upon Israel to place its nuclear facilities under the IAEA safeguards. The attempts of the United States and the United Kingdom to disregard these resolutions and their determination over the past years to efface their memory and detract from their importance have revealed their claim of commitment to the security of the Middle East region to be false. The Zionist entity is the only party in the region to possess weapons of mass destruction, indeed a large arsenal of them including more than 200 nuclear warheads, and it is not subject to any inspection or any safeguards. We further call attention to the dangers of the double standards employed by the Security Council in dealing with the topic of nuclear non-proliferation in the Middle East and the threat posed by the Israeli nuclear armament programme to regional and international peace and security. It should be noted in this connection that Iraq has discharged all the obligations imposed on it under Security Council resolution 687 (1991), despite their harshness, but paragraph 14 of that resolution, relating to "steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery", has been ignored and left unimplemented and the Security Council has taken no action to address the question of the weapons of mass destruction in the possession of the Zionist entity.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 65 of the preliminary list, and of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative

United Nations S/2001/613

Security Council

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1349 (2001) of 27 April 2001, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 June 2001 and requested me to provide an assessment of the situation before the end of that mandate. The Security Council acted in the expectation that the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, James A. Baker III, would continue to try to resolve the multiple problems relating to the implementation of the settlement plan (S/21360 and S/22464) and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara. The present report covers developments since my previous report to the Council, dated 24 April 2001 (S/2001/398).

II. Developments during the reporting period

A. Activities of the Personal Envoy of the Secretary-General

2. During the reporting period, my Personal Envoy, James A. Baker III, met with officials of the Kingdom of Morocco to determine if, as the administrative power in Western Sahara, Morocco was prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the Territory that would be genuine, substantial and in keeping with international norms.

3. On 5 May 2001, my Personal Envoy met with President Bouteflika and other senior Algerian officials in Algiers to present a draft "Framework agreement on the status of Western Sahara" (see annex I), which he was confident the Kingdom of Morocco would support. The Algerian authorities promised to study the document and revert to my Personal Envoy with their comments. On 22 May 2001, President Bouteflika addressed letters to my Personal Envoy and myself, along with a memorandum containing Algeria's comments on the proposed framework agreement (see annex II and enclosure). In his letter to my Personal Envoy, President Bouteflika expressed his appreciation for Mr. Baker's efforts and perseverance in settling the question of Western Sahara. He pointed out that, in Algeria's view, the proposed document presented certain weaknesses and imbalances, as outlined in the memorandum attached to his letter. He added that Algeria's point of view translated its concern in succeeding in getting out of a crisis that had lagged on for 26 years, if not by giving complete satisfaction to each of the parties, by at least equitably distributing the dissatisfaction and sacrifices imposed on each party. He expressed his willingness to offer to my Personal Envoy, either directly or through diplomatic channels, all the clarification that might be needed concerning Algeria's communication.

4. While the Security Council has the opportunity to study Algeria's response to the proposed framework (annex II, enclosure), it may be useful to also review the analysis of that memorandum prepared by the Secretariat (see annex III).

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5. On 5 May 2001, my Personal Envoy also met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, and other members of his party in Tindouf, with whom he reviewed the proposed framework agreement. Mr. Abdelaziz responded by saying that anything other than independence meant integration with Morocco and that he did not want to consider or discuss the framework proposal.

6. The Frente POLISARIO coordinator with MINURSO, Emhamed Khaddad, met with my Personal Envoy in Houston, on 31 May 2001, and with me in New York, on 4 June. Mr. Khaddad delivered letters addressed to my Personal Envoy and myself from Secretary-General Abdelaziz, along with official proposals of the Frente POLISARIO aimed at overcoming the obstacles preventing the implementation of the settlement plan (see annex IV and enclosure). While the Security Council has the opportunity to study the POLISARIO proposals, it may also be useful to review the analysis of these proposals prepared by the Secretariat (see annex V).

B. The ceasefire and other developments

7. During the reporting period, my Special Representative, William Eagleton, continued his consultations in the region on the current state of affairs and the peace process in Western Sahara.

8. In my last report I indicated that preparations by the Moroccan military authorities for the construction of an asphalted road in the Guerguerat area of Western Sahara, at the south-western corner of the Territory, had been suspended at the request of MINURSO (S/2001/398, para. 4). In mid-May, with signs that work on the road had resumed, MINURSO and several Member States contacted the Moroccan authorities and requested that they again suspend the road construction. Subsequent MINURSO patrols confirmed that no roadwork was under way (see para. 15 below).

C. Appeals process

9. During the reporting period, the Identification Commission continued with simulation workshops for "hearings on the substance". Feedback from these sessions was used in the preparation of a manual on the hearings on the substance. The Commission also involved both civilian police officers from MINURSO and the observer delegation of the Organization of African Unity (OAU) to MINURSO in its simulation workshops, with specific training being provided to the former, on both the theoretical and practical aspects of the hearings. An evaluation of the activities of the Commission since the last reporting period was the subject of a meeting in Agadir on 26 and 27 May 2001, attended by my Special Representative, members and registration officers of the Commission and heads of other MINURSO components, as well as representatives of OAU and the Office of the United Nations High Commissioner for Refugees (UNHCR). The final version of the Manual on Hearings on the Substance was officially adopted in Agadir.

10. On 2 June 2001, the Chairman of the Identification Commission, Eduardo Vetere, had to resume his duties at the United Nations Office in Vienna, after completing his two-year assignment with MINURSO. I should like to pay tribute to Mr. Vetere for his outstanding service with MINURSO as Chairman of the Identification Commission and as Officer-in-Charge of MINURSO in the absence of my Special Representative from the mission area. I wish him well in his future endeavours.

D. Prisoners of war

11. At present, 1,479 Moroccan prisoners of war are still being held in camps in the Tindouf area of Algeria, most for more than 20 years. Their continued detention is now a serious humanitarian issue in view of their age, state of health and duration of captivity. The International Committee of the Red Cross (ICRC) has expressed its readiness to supervise their repatriation. I once again urge the parties to cooperate with ICRC in this humanitarian endeavour.

E. Military aspects

12. As at 18 June 2001, the military component of MINURSO stood at the authorized strength of 230 military personnel (see annex VI). Under the command of General Claude Buze (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which came into effect on 6 September 1991.

13. During the reporting period, discussions continued between MINURSO and the Frente POLISARIO, at various levels, to ease or lift the restrictions imposed by the latter on the freedom of movement of United Nations military observers east of the defensive sand-wall (berm) since last January. To that effect, the Force Commander met with the Frente POLISARIO on 23 May 2001. Despite these efforts no significant progress can be reported towards the lifting of these restrictions. As reported in my two previous reports to the Security Council (S/2001/148 and S/2001/398), MINURSO ground patrols are not allowed closer to Frente POLISARIO combat units or observation posts than 800 metres and are required to be escorted at all times by Frente POLISARIO liaison officers. Large tracts of land south and east of the MINURSO team site at Agwanit are still out of bounds. MINURSO air reconnaissance is still limited to the 30-kilometres restricted area immediately east of the berm and has to follow Frente POLISARIO-approved air routes.

14. On the western side of the berm, MINURSO military patrols continued to visit and inspect Royal Moroccan Army ground units greater than company size, in accordance with the ceasefire arrangements between MINURSO and the Royal Moroccan Army. From 7 to 22 May 2001, MINURSO military observers confirmed the destruction, by the Royal Moroccan Army, of about 3,000 anti-tank mines, 37,000 anti-personnel mines and 27,000 detonators and munitions in the Ankesh area, 20 kilometres from Smara. In total, 7.5 tons of mines and explosives have been destroyed by the Royal Moroccan Army during the operation monitored by MINURSO.

15. On 28 April 2001, a MINURSO air reconnaissance patrol reported preparatory work by a civilian company for the beginning of construction of a portion of a road in the Guerguerat area (S/2001/398, paras. 4 and 5). On 12 May, construction work on a two-lane earthen road through the berm across the buffer strip towards the Mauritanian border was reported by a MINURSO air patrol. On 20 May, during a meeting with my Special Representative and the Force Commander, the Royal Moroccan Army Southern Military Region Commander, General Bennani, informed them that the preparatory work on the road had been suspended. Subsequent MINURSO observation of the site confirmed the suspension of the work and, subsequently, the withdrawal of road construction equipment from the area.

F. Civilian police aspects

16. As at 18 June 2001, the strength of the civilian police component of MINURSO stood at 32 officers (see annex VI), under the command of Inspector General Om Prakash Rathor (India). The civilian police officers continued to protect files and sensitive materials at the Identification Commission centres at Laayoune and Tindouf and to undertake training and planning for possible future activities. In that respect, MINURSO civilian police officers attended briefings by the UNHCR Liaison Office in Laayoune on the protection content of voluntary repatriation and on international instruments concerning refugees. Since 10 May, five MINURSO Civilian Police Officers have been participating in a joint simulation with the Identification Commission on the hearings on the substance of appeals.

G. Preparatory work for the repatriation of the Saharan refugees

17. During the reporting period, UNHCR continued to carry out its mandated responsibilities for the Western Saharan refugees in the Tindouf camps in Algeria and to coordinate and cooperate with MINURSO. From 24 April to 1 May 2001, UNHCR undertook a comprehensive assessment of the humanitarian welfare of the Saharan refugees in the camps. The assessment concluded that the overall situation of the refugees was very precarious and that the reduction of basic assistance in the absence of a durable solution has had a deteriorating affect on the vulnerable refugees, such as elders, women and children, who have no other source of assistance. It was also noted that UNHCR's assistance was already prioritized to focus on life-sustaining activities and that the refugees were acutely aware of inadequate basic food deliveries from the World Food Programme (WFP) in the recent months. Under the present circumstances, it is essential that financial support continue to be extended by the international donor community to UNHCR, in order for the latter to fulfil its humanitarian role in the Tindouf camps.

18. The operational base of UNHCR in Rabouni, near three of the four Tindouf camps, and its outpost at the fourth one, camp Dakhla, facilitated its coordination and monitoring role in the camps. UNHCR conducted its very first international refugee law workshop at that base, from 25 to 29 May 2001. Some 80 refugees and their leadership attended the workshop, which focused on refugee rights and obligations, voluntary repatriation under UNHCR's mandate and principles, as well as special topics regarding refugee women. UNHCR was requested by the refugees to conduct subject-specific international refugee law training at the camp level. UNHCR also conducted training in refugee law for MINURSO's civilian police in Laayoune.

H. Organization of African Unity

19. The United Nations has, from the outset, been working together with OAU in the search for a solution to the Western Sahara problem. I wish to reiterate my appreciation for the continued support and contribution made by the OAU observer delegation to MINURSO, led by the Senior Representative, Ambassador Yilma Tadesse (Ethiopia).

III. Assessment of progress and problems in the implementation process since the adoption of the settlement plan

20. I should like to recall that, pursuant to Security Council resolution 1282 (1999) of 14 December 1999, which requested me to report on prospects for progress in implementing the settlement plan within a reasonable period of time, my report of 17 February 2000 (S/2000/131, paras. 15-29) gave a detailed account of the actions taken by the United Nations to that effect. That report also gave a full and frank description of all the difficulties encountered by MINURSO and previous Special Representatives in that process.

21. As pointed out in that report, with the exception of the monitoring of the ceasefire in effect since 6 September 1991, none of the main provisions of the settlement plan has been fully implemented since the establishment of MINURSO, because of fundamental differences between the parties over its interpretation. It is particularly important to note that perhaps the main problem in implementing the settlement plan is the United Nations inability to implement any measures unless both parties agree to cooperate with it (S/22464, para. 55). The establishment of the electorate body for the referendum in Western Sahara has been, and remains to date, the most contentious issue and one of the main reasons for the successive deadlocks in the work of MINURSO.

22. The difficulties in determining who among the Saharans is eligible to take part in the referendum were due, in particular, to the characteristics of the Saharan population, notably its nomadic tradition and the tribal structure of the society. In that respect, it was noted in the report of former Secretary-General, Javier Perez de Cuellar, dated 19 December 1991 (S/23299, annex), that: "because of their nomadic way of life, the people of the Territory move easily across the borders to the neighbouring countries, where they are received by members of their tribes or even of their families. This ebb and flow of people across the borders of the Territory makes it difficult to take a complete census of the inhabitants of Spanish Sahara and also poses the complex problem of the identification of the Saharans of the Territory and makes it even more difficult to take a satisfactory census of refugees".

23. Thus, because of the ill-defined nature of tribal affiliation with the Territory, this fundamental issue became, from the outset, a subject of deep contention between the two parties. The Frente POLISARIO maintained that, under the settlement plan, only the 74,000 people counted in the 1974 Spanish census of the Territory should take part in the referendum. Morocco held the opposite view, namely, that thousands of additional members of Saharan tribes are equally qualified to vote, including those who were in the Territory at the time of the census but had not been counted, those who had fled to Morocco in previous years and those from regions that were formerly part of the Territory but were then retroceded by Spain to Morocco in the 1950s and 1960s (and are now part of southern Morocco) (S/2000/131, para. 18).

24. Against this background, the identification process, and indeed any activity in implementing the settlement plan other than the maintenance of the ceasefire, came to a standstill at the end of 1995 when the Frente POLISARIO found it unacceptable to proceed with the identification of members of the "Tribus del Norte" and "Costeras del Sur" (listed in the

1974 Spanish census of the Territory as categories H and J), in particular those known as H41, H61 and J51/52. MINURSO's civilian presence was scaled down to the political office and the military was also reduced by 20 per cent (see S/1996/343).

25. In an effort to break the deadlock, I appointed James A. Baker III as my Personal Envoy, in March of 1997, to reassess the feasibility of implementing the settlement plan. Following a tour of the region where he met with the leadership of both parties and neighbouring countries, Mr. Baker informed me that neither side had indicated any willingness to pursue any political solution other than implementing the settlement plan.

26. My Personal Envoy believed that the only realistic way to assess the feasibility of implementing the plan would be by arranging direct talks between the parties. To that effect, he organized four rounds of direct talks under his auspices where agreement was reached on issues that had caused the deadlock in the identification process, on a code of conduct for the holding of the referendum campaign and on a compromise formula for the cantonment of the Frente POLISARIO troops (see S/1997/742). In addition, the parties reaffirmed their commitment to the provisions of the settlement plan for the return of refugees and the release of prisoners of war and Saharan political detainees. This was the first time that the two parties held substantive direct talks under the auspices of the United Nations, where they tried to resolve problems related to the implementation of the settlement plan.

27. While the identification process resumed in December of 1997, with the successful conclusion of the Houston agreements, it was not long before difficulties surfaced again resulting in further delays and interruptions. Thus, among numerous other technical and substantial proposals over the years, a package of United Nations draft protocols dealing with identification and appeals was submitted to the parties in October 1998 in an attempt to overcome the remaining difficulties in this process. Eventually, in April and May 1999, the parties formally accepted protocols and operational directives, albeit with reservations and misgivings for opposite reasons (S/1999/554 and S/1999/555), for the completion of the identification process and for the appeals (S/1999/483/Add.1).

28. With the continued efforts of at least three Special Representatives, as well as those of my Personal Envoy, the identification process was finally completed at the end of 1999. However, MINURSO was then faced with a total of 131,038 appeals. Judging from the Mission's past experience with both parties, whose concerns and attempts at controlling the identification process have been the principal cause of the difficulties and delays encountered, the appeals process could be even lengthier and more cumbersome and contentious than the identification itself.

29. It should further be recalled that, in addition to the appeals process and the establishment of the final voter list, the following key issues remain unresolved under the settlement plan: the release of prisoners of war and of Saharan political detainees; the fulfilment of security conditions for the Saharan returnees eligible to vote and their immediate families (as well as agreement to a UNHCR draft protocol for the repatriation of refugees, submitted to the parties, Algeria and Mauritania in November 1988); possible problems related to the implementation of the code of conduct for the referendum campaign, in particular with regard to the role of the existing (Moroccan) security forces; and, perhaps most importantly given the United Nations experience in other areas, the lack of an enforcement mechanism for the results of the referendum. It bears repeating that the full cooperation of the two parties as well as the cooperation and support of Algeria and Mauritania must be ensured as essential conditions for the effective implementation of the settlement plan and for the fulfilment of the mandate of MINURSO (S/22464, para. 55). It is perhaps understandable that this full cooperation is difficult to achieve given the "winner-take-all" nature of the referendum called for under the settlement plan.

30. Throughout the 10 years since the United Nations undertook to implement the settlement plan for Western Sahara, it was understood that direct talks between the parties were essential to the achievement of the compromises and understandings that would be necessary for implementing the settlement plan in full and finding a durable solution to the dispute over the Western Sahara. My predecessor's Special Representative, Sahabzada Yaqub-Khan, organized such talks, for the first time under the auspices of the United Nations, from 17 to 19 July 1993, at Laayoune. Notwithstanding difficulties in the preparation and organization of the talks and other problems, mostly of

a procedural nature, the delegations of Morocco and the Frente POLISARIO met in the presence of the Special Representative and United Nations observers. While it would have been unrealistic to expect a major breakthrough on substantial issues, nor was this the primary aim of the talks, it was an encouraging sign that this exploratory dialogue was held in a positive spirit, marked by restraint and respect.

31. An attempt was made to resume direct talks on 25 October 1993, in New York. While each party was granted, under a memorandum of understanding with the Special Representative, the right to choose the composition of their delegation, the presence of former Frente POLISARIO officials in the Moroccan delegation was not considered by the Frente POLISARIO to be conducive to a propitious climate for dialogue. Under the circumstances, the meeting could not take place as scheduled.

32. During 1994 and 1995, the United Nations and a Member State made further unsuccessful attempts at bringing the parties together. In July 1996, the then Acting Special Representative organized a meeting between the parties in Geneva, which was secret at the time, to which many conditions were attached by both sides. The United Nations was not present at the meeting, which was attended by decision makers from both sides, but had no planned agenda as the parties wanted to establish confidence and demonstrate commitment to courtesy and constructive dialogue. Both sides expressed satisfaction with that encounter and agreed to meet in Morocco in September 1996. The meeting took place as planned and a second one was scheduled for later that month. During the second meeting, the head of the Frente POLISARIO delegation mentioned the notion of independence for Western Sahara, thus transcending the understanding between the parties to discuss options on the autonomy/regionalization scale only. Morocco then made it clear that under the circumstances, the Frente POLISARIO's expected meeting with the King would not take place so long as Moroccan sovereignty was not recognized as a prerequisite to the discussion of any proposals.

33. The three rounds of direct talks held under the auspices of my Personal Envoy in 2000 only served to highlight the differing points of view of the two parties in the implementation of the settlement plan. Neither side, in spite of my Personal Envoy's request, presented any concrete proposals that would help resolve the multiple problems relating to the implementation of the plan. The Frente POLISARIO agreed to family visits as a confidence-building measure but Morocco would not.

34. During the first round, in May 2000, the Frente POLISARIO identified two areas of difficulty, namely, the conduct of the appeals process and the repatriation of refugees. It reiterated its promise to respect the results of the referendum of self-determination and stressed that it would be up to the Security Council to take the necessary measures to ensure respect of the referendum results (S/2000/683, paras. 3-4).

35. Morocco identified four areas that, in its view, were impeding the implementation of the settlement plan: the conduct of the appeals process; the reversal of the identification results for some 7,000 applicants, which, in Morocco's view, should be reinstated; the issue of Saharans who had reached voting age after December 1993 but had not been included in the identification process; and the repatriation of Saharan refugees. Stressing that the right to self-determination meant the right of all Saharans to decide their fate, Morocco further indicated that it would not take part in a referendum where any Saharans who might be entitled to vote were not allowed to do so. With respect to the appeals process, Morocco identified two areas of concern: the issue of admissibility of appeals, which in its view should be limited to a procedural review; and that of the concurrent testimony by two tribal leaders (sheikhs), which Morocco considered unacceptable since it would be prejudicial to the appellants as it had been during the identification process. Morocco stated that during the appeals process it would not agree to submit testimony by new witnesses in the presence of the Frente POLISARIO sheikhs (ibid., paras. 5 and 6).

36. It may be noted that the concurrent oral testimony by two tribal leaders (one from each side, of the same tribal faction) was not called for in the settlement plan. That formula was devised by the Identification Commission as a way of reassuring each party that its interests in the identification process would be safeguarded and, thus, enabling that process to start. In practice, however, the formula proved to be one of the most contentious. In addition to legitimate difficulties in recognizing some applicants, especially from the opposite side after so many years of separation, problems of a political nature soon emerged, revealing that the sheikhs' testimony essentially followed their own party's position. Indeed, some tribal leaders

proved to be so biased against applicants from the opposite side that either affected party eventually questioned the veracity of their testimony, as well as the decisions taken by the Identification Commission on the basis of that testimony. Considering that the tribal leaders would play the same role in the appeals as in the identification process, there is no cause to hope that the parties would not attempt to prejudice testimony during the appeals hearings.

37. As indicated in my report of 17 February 2000 (S/2000/131), experience over the past 10 years has shown that every time the United Nations has proposed a technical solution to bridge the parties' differing interpretation of a given provision of the settlement plan, a new difficulty arises, requiring yet another round of protracted consultations. It was for this reason that during the second round of consultations, in June 2000, my Personal Envoy asked the parties to come up with concrete proposals that would bridge their differences and would help resolve the difficulties in implementing the settlement plan. Since neither side did so, he asked the parties to meet again in order to arrive at a political solution, explaining that for such a solution several options existed. There could be a negotiated agreement for full integration of Western Sahara with Morocco, or for full independence, although, in his view, neither prospect appeared likely. Alternatively, a negotiated agreement could produce a solution somewhere between those two results. Still another political solution could be an agreement that would permit a successful implementation of the settlement plan. He reiterated to the parties that, should they agree to discuss a political solution other than the settlement plan, they would not prejudice their final positions since according to the rules of the consultations nothing would be agreed to until everything had been agreed to.

38. During the third round of consultations, in September 2000, both parties again failed to come up with specific proposals to resolve the multiple problems in the implementation of the settlement plan that both parties would agree to. The Frente POLISARIO was of the view that the remaining obstacles could be overcome with the cooperation of the parties and expressed its willingness to engage in a substantive discussion on the implementation of the appeals procedures immediately.

39. Morocco, after recalling in some detail the many obstacles to the settlement plan, was of the view that the difficulties encountered were not of a mere technical nature. In Morocco's view, there were errors and distortions in the implementation of the plan, which could not satisfy the thousands of rejected applicants. Although Morocco had sufficient reasons to reject the manner in which the settlement plan was being implemented, it had not done so because it wanted to facilitate the task of my Personal Envoy and to cooperate. Nevertheless, Morocco was of the opinion that, despite all good will, the difficulties faced in the implementation of the plan could not be overcome.

40. My Personal Envoy pointed out to the parties that he had been hearing the same arguments and pledges of cooperation since 1997. He expressed scepticism about the validity of such pledges and his regret that the parties' positions on the outstanding issues had not changed. My Personal Envoy recalled that, at the start of the meeting, he had asked the parties whether they had come with new positions on any issue. Neither had done so. He felt that there was no political will on either side. He reiterated to them that there were many ways to achieve self-determination. It could be achieved through war or revolution; it could be achieved through elections, but this required good will; or it could be achieved through agreement, as had been done by parties to other disputes. My Personal Envoy asked the parties whether they would be willing to try the latter route without abandoning the settlement plan. The Frente POLISARIO reiterated its commitment to the settlement plan and its readiness to discuss the appeals process but added that it was not ready to discuss anything outside that plan.

41. While also committed to the settlement plan, Morocco expressed the view that the way in which it was being implemented meant that two-thirds of the Saharan population would be excluded from the referendum. The Moroccan delegation then expressed the wish to further explore other ways and means to settle the conflict. In response to Security Council resolution 1309 (2000), which had asked the parties to search for a definitive solution to the question of Western Sahara, Morocco was prepared to initiate a sincere and frank dialogue with the other party on the dispute that had divided them for almost 25 years. In rejecting the Moroccan proposal, the Frente POLISARIO reiterated that it would cooperate and adhere to any dialogue that would be within the framework of the settlement plan since, in its view,

other solutions had been overtaken by events. My Personal Envoy noted that, while no one was abandoning the settlement plan, this was the first time that Morocco had expressed readiness to engage in a direct dialogue.

42. Following the third round of consultations, in September 2000, my Personal Envoy was of the view, which I shared, that further meetings of the parties would not succeed and indeed could be counterproductive unless the Government of Morocco, as administrative power of the Territory, was prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the Territory that was genuine, substantive and in keeping with international norms.

IV. Financial aspects

43. The General Assembly, by its resolution 55/262 of 14 June 2001, appropriated the amount of US$ 48.8 million, equivalent to a monthly rate of some $4.1 million, for the maintenance of MINURSO for the period from 1 July 2001 to 30 June 2002. Therefore, should the Security Council approve my recommendation contained in paragraph 59 below on the extension of MINURSO's mandate, the cost of maintaining the Mission will be within the monthly rate approved by the General Assembly. At the same time, in connection with the suspension of the Identification Commission's activities, if approved by the Council, I shall reassess the Mission's resource requirements and revert to the General Assembly with the consequential adjustments, if necessary.

44. As at 31 May 2001, unpaid assessed contributions to the special account for MINURSO amounted to $93.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,320.2 million. The total expenditure for the MINURSO operation is projected to reach some $420 million for the period from its inception through 30 June 2001.

V. Observations and recommendations

45. As outlined in section III of the present report, the United Nations has gone through a long and arduous process over the past 10 years in its efforts to implement the settlement plan. This process has involved my efforts and those of two previous Secretaries-General, as well as those of five Special Representatives and my Personal Envoy. In addition, the Security Council and individual Member States have attempted several times to unblock the impasse in the implementation process. During that period, the timetable for the implementation of the plan has been revised several times, with the referendum date moving further into the future each time, so that it is in serious doubt that it will ever be within reach.

46. In 1988, proposals for the settlement of the dispute were submitted to the parties by the then Secretary-General and the Chairman of OAU involving the holding of a free and fair referendum for self-determination, by which the people of the Territory would choose between two options: independence or integration with Morocco. Both parties accepted the proposals in principle, while the United Nations provided both sides with additional clarifications on points of particular concern to them, before proceeding with the implementation phase. It was understood at that time that, during the implementation process, there would have to be direct talks between the parties in order to achieve the compromises and understandings necessary for implementing the settlement plan in full and finding a durable solution to their dispute. Attempts by the United Nations to organize such meetings where substantive issues would be discussed failed until the four rounds held in 1997 under the auspices of my Personal Envoy, which resulted in the Houston Agreements.

47. Because of the parties' unwillingness to work together to resolve the various problems, the United Nations started submitting proposals to them to bridge their differences. As a result, both sides became accustomed to receiving from the United Nations suggestions and technical solutions each time there was a problem, which the parties, in turn, would proceed to revise or dilute through long and arduous negotiations until they were satisfied that they had safeguarded their own best interests. The process thus became a zero-sum game, which each side felt it absolutely had to win since, owing to the nature of the agreement that the United Nations was trying to implement, the referendum would produce one winner and one loser and the stakes were therefore extremely high.

48. This resulted in successive deadlocks in the identification process, which was the only substantial

element of the settlement plan after the establishment of the ceasefire on 6 September 1991 that the United Nations began to try to implement. As pointed out in paragraph 21 above, all other key issues remain unresolved in the implementation process, namely: the release of prisoners of war and presumed Saharan political detainees; problems related to the repatriation of refugees, including security concerns; possible problems related to the implementation of the code of conduct for the referendum campaign; and the lack of an enforcement mechanism for the results of the referendum. More significantly, as stated above, the settlement plan requires the cooperation of the two parties as well as that of the two neighbouring countries, Algeria and Mauritania, as essential conditions for its implementation (S/22464, para. 55).

49. Nevertheless, over the years, the United Nations continued with its efforts to convince the parties to cooperate in the belief that, through continuing engagement, they would find solutions leading to a smooth and consensual implementation of the settlement plan. It is possible that by doing so the United Nations erred on the side of unfounded optimism and persisted in its efforts longer that it should have.

50. Recently, as indicated in paragraph 6 of the present report, the Frente POLISARIO presented to my Personal Envoy and to myself proposals aimed at overcoming the obstacles hindering the implementation process. I would like to express my appreciation and that of my Personal Envoy to the Frente POLISARIO for having submitted these proposals. However, as noted in the present report, (see annex V), these proposals would either require agreement by Morocco, action by the Security Council or further clarification. Most importantly, these proposals cannot address one of the most crucial problems hindering the implementation of the settlement plan, namely that the full cooperation of both parties is required in order for the United Nations to implement any measures (S/24646, para. 55).

51. As may be recalled, when I appointed my Personal Envoy in 1997, I asked him to undertake a fresh assessment of the situation whose purpose would be threefold: to assess, in consultation with the parties, the implementability of the settlement plan in its present form; to examine whether there were any adjustments, acceptable to the parties that would significantly improve the chances of implementing it in the near future; and, if not, to recommend other possible ways of resolving the conflict (see S/1997/742).

52. Given the history of the United Nations operation in Western Sahara over the past 10 years, including the last four years during which my Personal Envoy has been involved in the search for acceptable ways to implement the settlement plan, and the failure of the parties to come up with any concrete proposals during the three rounds of consultations held from June to September 2000, my Personal Envoy has concluded that there are serious doubts as to whether the settlement plan can be implemented in its present form in a way that will result in an early, durable and agreed resolution of the dispute over Western Sahara. I fully concur with this view.

53. Adjustments to the settlement plan, such as that of the concurrent testimony by tribal leaders (see para. 36 above), which was worked out with the agreement of both sides, proved just as contentious as other provisions and did not resolve the long-term problems. It is, therefore, equally doubtful whether any other adjustments to the settlement plan would resolve these problems, since the endgame would still produce one winner and one loser. Furthermore, any substantial adjustments to the settlement plan, such as changes to the two referendum options under the plan of integration or independence, or a specific United Nations mandate to deal with the post-referendum situation, would require the mutual agreement of the parties and an enforcement mechanism approved by the Security Council.

54. It is therefore my hope and that of my Personal Envoy that Morocco, the Frente POLISARIO, Algeria and Mauritania will agree to meet, as parties, either directly, or through proximity talks under the auspices of my Personal Envoy, to discuss with specificity the elements of the proposed framework agreement, which aims at reaching an early, durable and agreed resolution of the conflict over Western Sahara in a way that does not foreclose self-determination, but indeed provides for it. I especially invite Algeria, which has indicated its willingness to offer my Personal Envoy all clarifications that might be needed regarding certain weaknesses and imbalances that it sees in the proposed framework agreement, to engage as a party in these discussions and to negotiate, under the auspices of my Personal Envoy, any specific changes it would like to

see in the proposed document that would make it acceptable to it.

55. The proposed framework agreement is not unlike agreements used to address similar situations elsewhere where a devolution of authority to the inhabitants of a non-self-governing territory is granted with the final status of the territory to be determined by a referendum. The proposed framework agreement confers on the population of Western Sahara the right to elect their own executive and legislative bodies and to have exclusive competence over local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure. It is worth noting that the procedure set forth in the proposed framework for election of the Executive should result in the election of the candidates supported by the Frente POLISARIO. Within five years, a referendum on the final status of the Territory would be held.

56. As my Personal Envoy informed the parties during the consultations held in London on 28 June 2000, should they agree to discuss a political solution other than the implementation of the settlement plan, they would not prejudice their final positions since, according to the rule of the consultations, nothing would be agreed until everything had been agreed. Over the next five months, my Personal Envoy will invite Morocco, the Frente POLISARIO, Algeria and Mauritania to engage, as parties, in direct or proximity talks, under his auspices, to discuss the proposed framework agreement and, if possible, to negotiate such changes as would make it acceptable to all of them. I hope that the Security Council will fully support these continuing efforts.

57. While the discussions on the proposed framework go on, the settlement plan will not be abandoned, but it will be put on hold. At the same time, the Identification Commission of MINURSO and its support staff would suspend their activities, after ensuring that all identification records are safely stored. The Special Representative would be requested to look further into what other non-essential staff can be reduced.

58. Should my Personal Envoy decide to continue with the discussions about the proposed framework agreement after the proposed five-month period in order to try and negotiate such changes in the draft framework agreement that would make it acceptable to Morocco, the Frente POLISARIO, Algeria and Mauritania, it is my intention to recommend to the Security Council that MINURSO's mandate be extended to permit time for such negotiations. If, on the other hand, by the end of that period, my Personal Envoy should conclude that it would not be worthwhile to continue with the consultations, the Security Council could decide to review the mandate of MINURSO and consider what further role it can play under the circumstances.

59. It is my sincere hope that Morocco, the Frente POLISARIO, Algeria and Mauritania will each engage constructively, as parties, under the auspices of my Personal Envoy to achieve an early, durable and agreed resolution of the dispute over Western Sahara. For the reasons outlined above, I recommend that the Security Council extend the mandate of MINURSO for five months, until 30 November 2001, to give time to my Personal Envoy to conduct consultations on the proposed framework agreement on the future status of Western Sahara.

60. Twenty-six long years have elapsed since the outbreak of this conflict. It took five years to negotiate the United Nations settlement proposals and plan and 10 more years to try to implement that plan. In the meantime, an entire new generation of Saharan refugees was born and grew up in the Tindouf camps, while many among the first generation have already died without being able to return home. The proposed framework agreement offers what may be the last window of opportunity for years to come. This opportunity ought to be seized by all parties concerned as it is in the interests of the people of Western Sahara as well as those of the countries in the region. It is high time to settle the dispute over Western Sahara, so that the Maghreb region may finally focus on cooperation and development and enable all its people to look to a better future.

Annex I

Framework agreement on the Status of Western Sahara

The authority in Western Sahara shall be as follows:

1. The population of Western Sahara, through their executive, legislative and judicial bodies shall have exclusive competence over local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure.

2. The Kingdom of Morocco will have exclusive competence over foreign relations (including international agreements and conventions) national security and external defence (including determination of borders, maritime, aerial or terrestrial and their protection by all appropriate means) all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts whether from within or without the territory. In addition, the flag, currency, customs, postal and telecommunication systems of the Kingdom shall be the same for Western Sahara. With respect to all functions described in this paragraph (2) the Kingdom may appoint representatives to serve it in Western Sahara.

3. In Western Sahara the executive authority shall be vested in an Executive, who shall be elected by a vote of those individuals who have been identified as qualified to vote by the Identification Commission of the United Nations Mission for the Referendum in Western Sahara, and whose names are on the United Nations provisional voter lists (completed as of 30 December 1999) without giving effect to any appeals or other objections. To qualify as a candidate for Executive, one must be an individual who has been identified as qualified to vote as aforesaid and whose name is on said provisional voter lists. The Executive shall be elected for a term of four years. Thereafter, the Executive shall be elected by majority vote of the Assembly. The Executive shall appoint administrators in charge of executive departments for terms of four years. The legislative authority shall be vested in an Assembly, the members of which shall be directly elected by voters for terms of four years. The judicial authority shall be vested in such courts as may be necessary, the judges of which shall be selected from the National Institute for Judicial Studies but shall be from Western Sahara. Such courts shall be the authority on territorial law. To be qualified to vote for members of the Assembly, a person must be 18 years or older and either (i) a continuous resident of the territory since 31 October 1998, or (ii) a person listed on the repatriation list as of 31 October 2000.

4. All laws passed by the Assembly and all decisions of the courts referred to in paragraph 3 above must respect and comply with the constitution of the Kingdom of Morocco, particularly with respect to the protection of public liberties. All elections or referenda referred to in this agreement shall be conducted with all appropriate guarantees and in keeping with the Code of Conduct agreed to by the parties in 1997, except where to do so would be inconsistent with the terms hereof.

5. Neither the Kingdom nor the executive, legislative, or judicial bodies of the Authority of Western Sahara referred to above may unilaterally change or abolish the status of Western Sahara. Any changes or modifications of this agreement has to

be approved by the Executive and the Assembly of Western Sahara. The status of Western Sahara will be submitted to a referendum of qualified voters on such date as the parties hereto shall agree, within the five year period following the initial actions to implement this agreement. To be qualified to vote in such a referendum a voter must have been a full time resident of Western Sahara for the preceding one year.

6. The Secretary-General of the United Nations will offer his mediation and good offices to assist the two parties hereto in the implementation or interpretation of this agreement.

7. The parties agree to implement this agreement promptly and request the assistance of the United Nations to this end.

Executed this _____ day of _____ 2001.

_____
Kingdom of Morocco

Frente POLISARIO

WITNESSED:

_____
Government of Algeria

Government of Mauritania

Secretary-General of the United Nations

In order to promote an agreed resolution of the dispute over Western Sahara, the Governments of France and the United States of America hereby guarantee performance of this agreement by the parties hereto.*

_____
Government of France

Government of the United States of America

(*neither country has committed to do this, but both have agreed to consider it, if it were necessary to achieve an agreement)

Annex II

A. Letter dated 22 May 2001 from the President of Algeria addressed to the Secretary-General

In accordance with what you had indicated to me at our brief meeting in Abuja, your Personal Envoy Mr. James A. Baker III visited us in Algiers and submitted an informal proposal for settling the question of Western Sahara.

Mr. Baker explained the various aspects of his proposal at length and, though we did not commit ourselves as to the substance, we engaged in an exchange of views on the prospects for a settlement and on the future of the entire region.

Before leaving Algiers, Mr. Baker asked us to provide him with our comments and suggestions on the document he had given us. Needless to say, my collaborators and I studied and analysed the proposal before us with the greatest care. We set down our comments in a memorandum, which we sent today to Mr. Baker. In order to keep you abreast of developments, I am also sending you a copy of the memorandum, though it is, as yet, an informal document.

I should be very grateful if you would bring it to the attention of the members of the Security Council, in whatever form you deem appropriate, and even, perhaps, at a subsequent stage, to the attention of all Members of the United Nations, so that our position on the question of Western Sahara will be known and understood by all. Our Permanent Representative in New York will remain in contact with you for any follow-up to our response and any clarifications or supplementary information which you may wish to request in this regard.

(*Signed*) Abdelaziz **Bouteflika**

B. Letter dated 22 May 2001 from the President of Algeria addressed to the Personal Envoy of the Secretary-General

I am very happy that you were able to keep good memories of your stay in Algiers, which allowed us, also, to appreciate your courtesy and your patience towards us, and to have the fair measure of your great abilities as a negotiator and expert in international matters.

Allow me to tell you that I took great pleasure in receiving you and in our discussions, and I would like to tell you again that it is always with joy and friendship that we will welcome you to Algeria, whether within the framework of your professional activities or, that of a personal trip which would allow us to better acquaint you with our country and its inhabitants.

Concerning your mission as the United Nations Secretary-General's Personal Envoy for the settlement of the Western Sahara question, I must tell you that we proceeded, my collaborators and myself, with a detailed study of the paper you submitted to me before leaving Algiers.

I am conscious of the work and efforts this proposal represents, as I appreciate your concern to reach a fair solution based on the adherence of all the parties. It remains clear to us that a real solution of the conflict will have to translate itself by the establishment of a durable peace in the region, which implies the free and sincere commitment of all those who are called to ensure its implementation.

It is in this spirit that we studied your proposal, which, in our view, presents a certain number of weaknesses and imbalances that we have noted in a memorandum addressed to you. In it we have explained the reasons for which we think that the advocated solution does not totally address, in a satisfactory manner, the pursued objectives, nor the framework of the settlement adopted by the Security Council.

I hope that you will understand that the point of view thus expressed by Algeria, first translates our concern to succeed in getting out of the crisis which has lagged on for now twenty-six years, if not by giving complete satisfaction to each of the parties, by at least equitably distributing the dissatisfaction and the sacrifice imposed on each of them.

We cannot, either, completely erase the progress realized these last years, which is mainly due to your sagacity and your perseverance. Some steps towards a solution have been concretized by the agreements between the parties since the acceptance of the referendum on self-determination under the aegis of the organization of the United Nations up to the Houston "accords". We think that it is from these positive elements that a way out of the crisis can be initiated, in search of which Algeria is disposed to bring its contribution.

It is therefore to answer your friendly request that I am sending you this memorandum in which we give our opinion on the "informal" proposal that you kindly presented to us. I hope you receive it well and remain of course at your disposal, either directly or by diplomatic channel, to eventually give you all the clarifications that you may wish concerning this communication.

Having had several times the occasion to discuss this problem and your mission with my friend Kofi Annan, Secretary-General of the United Nations, I thought well to send him a copy of this memorandum, so that he would be directly informed of the Algerian positions. I hope you will not consider this an inconvenience and in awaiting our meeting again, or learning of your reactions, allow me to extend dear Mr. Baker, the assurance of my most cordial and friendly sentiments.

(*Signed*) Abdelaziz **Bouteflika**

Enclosure

Memorandum by the Government of Algeria on the Draft Status for Western Sahara

1. The Personal Envoy of the Secretary-General of the United Nations, Mr. James Baker III left in Algiers, on 5 May 2001, an informal document on a "Framework Agreement on the Status of Western Sahara". Before commenting on this document, it is appropriate to briefly recall the content of the mandate of the Personal Envoy.

2. By its resolution 1084 (1996) dated 27 November 1996, the Security Council reaffirmed the need for "a free, fair and impartial referendum for the self-determination of the people of Western Sahara" in conformity with the Settlement Plan. The Council requested also that the "Secretary-General propose alternative steps, in the framework of the Settlement Plan, should there be no meaningful progress towards removing the obstacles to the implementation of the Plan".

3. During his first trip to the region in April 1997, the Personal Envoy deemed necessary to point out to the different parties that his mission consists essentially in assessing the implementation of the Settlement Plan, in considering the means to increase the chances for the resumption of its implementation in a near future and in case of non-success, to indicate to the Secretary-General other possible ways to move the peace process forward. Faced with this choice, the two parties to the conflict, Morocco and the Frente POLISARIO, clearly expressed their refusal of any alternative solution to the Settlement Plan and their firm attachment to its implementation.

4. By its resolutions 1342 (2001) and 1349 (2001), adopted respectively on 27 February and 27 April 2001, the Security Council indicated that it expected that "the parties (...) will continue to try to resolve the multiple problems relating to the implementation of the Settlement Plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara".

5. Considered in the light of the two above-mentioned recalls, which are as necessary as important, the informal proposal entitled "Framework Agreement on the Status of Western Sahara" moves substantively away from the approach which has so far been endorsed by the two Parties and the international community.

6. Though this proposal is within the framework of the efforts that the Secretary-General's Personal Envoy is making to overcome the current difficulties, it nonetheless totally ignores the basic principles that have always founded the United Nations action in the field of decolonization in general and in that of Western Sahara in particular. In this regard, it is appropriate to recall that these principles are based on the self-determination and the free expression of the Sahrawi people through "a free, fair and impartial referendum for the self-determination of the people of Western Sahara".

7. It is therefore clear that, contrary to the mandate given by the Security Council resolutions, the current proposal favours only one approach, that of the integration of Western Sahara to the Kingdom of Morocco, to the detriment of the "double track" approach, put forward to overcome the difficulties encountered by the peace process. In these conditions, there are very serious reasons to fear that the radical alignment on such an integration choice will fail to bring the two parties to the conflict together and achieve the "mutually acceptable political solution to their dispute over Western Sahara" to which the Security Council remains attached.

Let us go now to the detailed consideration of the draft

8. First of all, the document refers to the "population" of Western Sahara, thus avoiding mentioning the "Sahrawi people" who is yet the official and entitled holder of the right to self-determination.

9. The first Executive is designated by the voters inscribed on the list of the persons accepted by the United Nations while the Legislative is elected by residents meeting certain conditions. This means that one of the parties to the conflict, the Frente POLISARIO, would be denied any particular right or say on these two designations which would establish an obvious lack of balance regarding the prerogatives recognized to the other party to the conflict, the

"administering Power". It is therefore clearly predictable that this modality of designation would already lead, by itself, to the creation of an Executive and a Legislative which would favour only the solution of integration.

10. This solution of integration is moreover a very high probability owing to the context itself in which the Executive would be called to act. In fact, the draft under consideration does not provide, anywhere, for either the withdrawal of the administration of the "administering Power" or the cantonment of its forces. On the contrary, by envisaging that this Power will keep different high responsibilities, among them the "national" security, the determination and the defence of the frontiers, the production, possession, sale or use of armaments, the draft endorses the present situation and makes it everlasting. It is therefore clear that, assuming that the Executive would not be, straight away, a simple emanation or a reflect of the administration, the army and the police of the "administering Power", everything would lead to the conclusion that this Executive would be, at best, a hostage-Executive, and a body deprived of proper authority, condemned either to paralysis or to dependence and inefficiency.

11. This context in which the Executive would operate during the four first years of its existence (and we wonder which motive would justify the choice of this period of time, while a shorter or longer period would serve in the same manner the objective of integration being sought), creates even more clearly an imbalance between the two parties to the conflict and might perfectly lead to the failure of the whole scheme since the political, administrative and socio-economic environment created in Western Sahara and strongly inspired by an integration of that country remains unchanged. The draft proposal indicates indeed that "the administering Power" holds all the attributes of sovereignty over the considered territory, beside obtaining prerogatives in vital fields pertaining to national sovereignty. It also gets the assurance that its Constitution and legislation will be implemented in Western Sahara. Therefore the draft proposal can be considered as "credible, substantive and authentic" only in its aim to establish, from the start, a process characterized by the logic of integration of the Sahrawi territory to "the administering Power", a logic that the Executive would obviously not be in a position to reverse.

12. With regard to the period after the first four-year phase, the draft proposal clearly strengthens the integration vision when the Executive is designated by "a majority vote of the Assembly", a legislative organ of which we know that, since the very beginning of the first four years of the proposed process, it will not be elected through the vote cast by the Sahrawi people duly and strictly identified as such in conformity with criteria already established, but by the vote of a population whose origin and number can be indefinitely extended. The criteria of the simple one year residency in Western Sahara would allow the realization, without any doubt, of all that the United Nations and the Personal Envoy have precisely tried to avoid up to now: the absence of any distinction between the two peoples, that would lead to highly questionable conclusions in any popular consultation. It is therefore clearly predictable that the designation of the Executive by the Assembly, for the second phase will already produce, by itself, an Executive identical to the Assembly and which by nature, would but favour the solution of integration.

13. Concerning the establishment of a legislative authority, what has been said above with regard to the modalities of the election of the Assembly by all those meeting the criteria of one year's residence, makes any other commentary unnecessary. However, it might be useful to add that the Assembly is strictly inscribed in the scheme of the integration approach, since the Assembly is required to legislate within the strict framework of the Constitution and the legislation of the "administering Power".

14. In these conditions, it is superfluous to underline that the draft proposal is silent on the relationship between the Executive and the Assembly, during the first phase as well as the second one. If this relationship is not made more explicit, it is not totally undetermined either. Nothing in the draft proposal would, indeed, prevent the Assembly, which already holds the power to designate the Executive for the second phase, from passing all kinds of bills that would deprive the Executive of all its prerogatives.

15. It is useless to consider thoroughly the role assigned to the judicial authority by the draft proposal, because here again the draft clearly places this authority in a logic of integration. The draft remains silent on the identification of the authority entitled to determine the number of tribunals in Western Sahara. But one can through this context, unmistakably, draw

the conclusion that it will be either the Assembly or "the administering Power" directly that will decide on this issue. In any case the appointment of the judges would be the prerogative of the "administering Power" which will select them "within the National Institute for Judicial Studies". These judges will implement, because of their professional training, but also by the effect of the draft under consideration, the legislation of the present "administering Power".

16. The referendum which will decide on the status of the territory will be monitored by an Executive which is already oriented towards the integration solution, as we have demonstrated above. The participation in the referendum of all persons who have resided at least a year in the territory opens further the way to all kinds of manipulations which, in the end, would deprive the Sahrawi people of their right to self-determination. In sum, in this draft proposal, everything converges, with a certain consistency and because of a deliberate choice made from the very beginning, towards an integration solution. It would be fundamentally contrary to the very letter and spirit of the draft proposal to consider the latter as a proposal made with the intention to try to achieve a breakthrough in the quest for a third way. This draft establishes the abandonment of what has been at the heart of the exercise of the identification of the persons entitled to participate in the self-determination referendum decided upon by the United Nations, in their verified and recognized capacity as real nationals of the territory concerning which the popular consultation is to be held.

17. The proposed solution does not seem to be in compliance with the relevant Security Council resolutions on Western Sahara. This integration solution creates a confusion between authentic Sahrawis and nationals of the de facto "administering Power", and makes of the authentic Sahrawis a minority engulfed in the mass of the other inhabitants. In fact, it intends to eliminate the Sahrawi specificity, the concept of the Sahrawi entity and finally the very notion of Sahrawi people. This is all the more true in that the draft gives the de facto "administering Power" exorbitant prerogatives for the preservation of "the territorial integrity against any secession" and entrusts it with the power to suppress and repress any political activity in favour of independence. This could lead, in other words, to the neutralization of any action aiming at preserving the national Sahrawi identity.

18. For all these reasons, this draft confirms and legalizes the illegal occupation of the Sahrawi territory and constitutes the chronicle of a planned integration, in violation of international legality, embodied in the Charter of the United Nations, in United Nations doctrine in the field of decolonization and in all relevant resolutions and commitments regularly reaffirmed by the international community in favour of the real self-determination of the Sahrawi people.

19. The tireless efforts of the Personal Envoy deserve the warmest marks of appreciation and the deep gratitude of all countries in the region. We hope that he will persevere in his peace endeavours with, from now on, the view of exploring authentic alternative solutions based on equity and justice that will lead to the restoration of lasting peace and stability for all peoples in the region. In this renewed approach, the Personal Envoy can rely on his own authority as well as his wide experience of international relations. There is every reason to be confident that his patient search for a solution which is mutually acceptable to all parties to the conflict will finally make it possible to overcome the obstacles encountered up to now and will receive in any case, the sympathy and the assistance of Algeria.

20. The issue of Western Sahara, which determines peace in the region as well the march of Maghreb towards its unity, deserves such efforts of imagination. We want success for the Personal Envoy's endeavours towards an alternative solution; these efforts, if they fail, would make it possible, legitimately and legally, to go back to the implementation of the Settlement Plan as designed by the international community and accepted by the parties to the conflict.

Annex III

Analysis of the Algerian memorandum

1. The Algerian memorandum makes three points: (a) that the proposed framework agreement favours the notion and, indeed, prepares the ground for eventual integration of Western Sahara with Morocco; (b) that the framework goes against the principle of self-determination; and (c) that the Personal Envoy of the Secretary-General has not followed his mandate, requiring him to work on the "double track", but has focused instead solely on a political solution.

2. In order to show that the framework is biased towards integration, the Algerian memorandum uses the following examples: (a) the manner of electing the Executive and Assembly and the undefined nature of the relationship between the two; (b) the fact that the referendum on the final status of the Territory will be monitored by an Executive, which the memorandum considers as oriented towards integration; (c) the provisions that Morocco will retain responsibility for foreign affairs, external defence, national security, etc., without providing for Morocco's withdrawal from the Territory; and (d) the lack of details over certain issues in the proposed framework agreement.

3. The claim that the framework agreement is biased in favour of integration is misleading for the following reasons. The framework provides for the Executive to be elected by those included in the United Nations provisional voter list (without giving effect to any appeals). The Legislature will be elected by voters who have been included in the Office of the United Nations High Commissioner for Refugees (UNHCR) repatriation list as of 31 October 2000 (the official date of completion of the UNHCR pre-registration exercise) or those who have been continuous residents in the Territory as of 31 October 1998. Since the UNHCR repatriation list has been compiled on the basis of the United Nations provisional voter list (which, both Algeria and the Frente POLISARIO, accept as "the voter list" for the referendum under the settlement plan), it is incorrect to claim that the Executive and Legislature will be elected by voters who would favour integration. Both bodies will be elected by voters that each party feels will give it some advantage.

4. By stating that the framework confers to Morocco attributes of sovereignty over the Territory (by not allowing any secessionist movements) during the first five years, the memorandum fails to see that the framework agreement is not seeking to address the question of independence for Western Sahara but rather that of an autonomous entity under Moroccan administration, for a limited period of time. The prerogatives and powers listed as belonging to the national Government are those usually held by the central government in all cases of devolution of authority, which are genuine, substantive and keeping with international norms.

5. As for the fact that some of the provisions of the framework agreement lack detail, this is not unusual, considering the nature of the document. Lack of specificity and disagreements among parties over general frameworks are usually dealt with during discussions at the negotiating table.

6. With regard to the statement that the framework agreement does not allow the "Sahrawi people" to exercise their right to self-determination, the memorandum is mistaken in claiming that this is the officially used term. The expressions used throughout the settlement plan are "Western Saharans", or "the population of Western Sahara" or "the people of Western Sahara". In addition, by referring to the "authentic Sahrawis as a minority to be engulfed in the mass of other inhabitants", the memorandum appears to consider as genuine Saharans only those living in the Tindouf camps and ignores a large part of the Saharan population who chose to remain and continue to reside in the Territory under Moroccan administration. More significantly, the memorandum ignores the fact that the framework agreement provides for a referendum on the final status of Western Sahara to be held after five years, and that it gives both sides equal opportunity to compete in winning that referendum.

7. Turning to the mandate of the Personal Envoy, the memorandum misinterprets it by referring to resolution 1084 (1996) of 27 November 1996, which was adopted prior to Mr. Baker's appointment. The Personal Envoy's mandate originates from resolution 1108 (1997) of 22 May 1997, which refers to the statement of the President of the Security Council of 19 March 1997 (PRST/1997/16), welcoming the appointment of the Personal Envoy and expressing the Council's strong

support for the Secretary-General's efforts to overcome the stalemate.

8. The memorandum recalls Security Council resolutions 1342 (2000) and 1349 (2001), which expect the parties to work both on resolving the multiple problems relating to the implementation of the settlement plan and on trying to agree on a mutually acceptable political solution, and finds that the proposed framework agreement moves substantively away from the approach, which has been endorsed by the two parties and the international community. As the Security Council was informed, it became clear during the three rounds of consultations under the auspices of the Personal Envoy in 2000, that the two parties could not agree on how to resolve the multiple problems related to the implementation of the settlement plan. Since they have not agreed, over a period of 10 years, on how to resolve these problems, and made it clear in the above-mentioned consultations that they were not likely to do so, it is logical that the proposed framework agreement would concentrate on an acceptable political solution.

Annex IV

A. Letter dated 30 May 2001 from the Secretary-General of the Frente POLISARIO addressed to the Secretary-General of the United Nations

On 5 May 2001, I met with your Personal Envoy, Mr. James A. Baker III, with whom I discussed his efforts to achieve a just and definitive settlement of the conflict in Western Sahara.

During our meeting, I reiterated the importance that we attach to the United Nations and Organization of African Unity (OAU) Settlement Plan, which has been accepted by the two parties and endorsed by the international community and which calls for the holding of a free, fair and impartial referendum for the self-determination of the people of Western Sahara; this is the only means of achieving a just solution to the conflict which has pitted the Sahrawi people against the Kingdom of Morocco for a quarter of a century.

I also reaffirmed to your Personal Envoy our total opposition to any solution that would ignore the inalienable right of the Sahrawi people to self-determination and independence, as enshrined in the relevant United Nations resolutions and in international law, and that would ultimately lead to the legitimation of the existing colonial domination of Western Sahara.

Aware of the obstacles to the implementation of the Settlement Plan, which have existed for some time and are attributable solely to the Kingdom of Morocco, and in reply to the Security Council's appeal to the parties to "resolve the multiple problems relating to the implementation of the Settlement Plan" (Security Council resolution 1349 (2001) of 27 April 2001), the Frente POLISARIO has agreed to make further concessions and to submit proposals with a view to restarting the process of implementing the Settlement Plan.

To that end, I have instructed Mr. M'hamed Khadad, my Special Envoy, to submit detailed proposals to you and your Personal Envoy in the firm belief that they will help to facilitate your and Mr. Baker's renewed efforts to expedite the holding of the long-awaited referendum on self-determination.

(*Signed*) Mohamed **Abdelaziz**
Secretary-General of the Frente POLISARIO
President of the Sahrawi Republic

B. Letter dated 28 May 2001 from the Secretary-General of the Frente POLISARIO addressed to the Personal Envoy of the Secretary-General of the United Nations

I am writing to your Excellency to inform you that I charged Mr. M'hamed Khadad to present to your Excellency our proposals aimed at overcoming the obstacles hindering the continuation of the implementation of the settlement plan.

I frankly continue to believe that the unique and credible way for a lasting resolution of the conflict remains the implementation of the peace plan despite all the difficulties and doubts created by the Moroccan attitude. For that purpose and after our last meeting of 5 May 2001, I am confident that our proposals will be taken as a sincere effort to contribute to your efforts to move forward the peace process which is the way that got the support of the two parties and of the international community.

(*Signed*) Mohamed **Abdelaziz**
Secretary-General of the Polisario Front
President of the Saharawi Republic

Enclosure

Official proposals submitted by the Frente POLISARIO to overcome obstacles preventing the implementation of the settlement plan

Introduction

In accordance with United Nations Security Council resolution 1349 (2001) of 27 April 2001, which mandated the Personal Envoy of the Secretary-General of the United Nations to consult the parties in order to overcome the obstacles preventing the implementation of the settlement plan and to seek a mutually acceptable political solution to the question of Western Sahara, and taking into account the regret expressed by the Secretary-General in his last report to the Security Council regarding the lack of progress in the implementation of the settlement plan, the Frente POLISARIO has decided to submit official proposals to the Personal Envoy in order to facilitate the continuation of the implementation of the settlement plan.

These proposals are dealing with:

1. The appeals issue
2. The repatriation of refugees
3. The respect of the outcome of the referendum
4. Humanitarian issues and confidence-building measures
5. Post-referendum guarantees

1. The appeals issue

Presentation

The appeals stage is envisaged in the settlement plan as an element of the identification procedure in order to determine the electoral body that would participate in the referendum on self-determination. Its objective is to allow every person whose candidature has been rejected by the Identification Commission and who can provide a new element to have his/her case reviewed.

This stage comes before the publication of the final list of voters.

An earlier compromise was reached through the May 1999 protocols, which have defined clear and detailed rules to deal with the appeals requests:

(a) By indicating two different stages: admissibility and in-depth examination of the issue;

(b) By defining the means of proof for the applicant and the assessment by the appeals section.

Between July 1999 and February 2000, the Identification Commission of the United Nations Mission for the Referendum in Western Sahara (MINURSO) received 131,000 appeals, 95 per cent of which were lodged by candidates presented by Morocco.

Proposal

The Frente POLISARIO is ready to accept the examination of all received appeals by the Identification Commission provided that the Commission continues to rigorously and impartially apply the criteria and procedures observed for the identification.

The Frente POLISARIO is ready to accept that the Commission, within the framework of the appeals process, examine the requests made by those who reached 18 years of age after 31 December 1993 and whose fathers have been declared as voters by the Identification Commission.

2. The repatriation of refugees

Presentation

The repatriation of refugees should take place during the transitional period in accordance with the settlement plan. Its objective is to allow all refugees and other Sahrawi who were determined to be voters by the Identification Commission to return to the Territory in order to accomplish their duty of voting during the referendum.

The repatriation of the Sahrawi refugees, because of the fact that it is linked to the participation in the

referendum, is of a particular nature for at least two reasons:

(a) Only those refugees who were accepted as voters (and their immediate family) are concerned by the repatriation;

(b) Other Sahrawi living abroad, even if they are not refugees, are concerned by the repatriation since they are listed as voters.

The Office of the United Nations High Commissioner for Refugees (UNHCR) is in charge to carry out the repatriation operation in accordance with its practice in the matter. UNHCR practices in this matter are understood to be the respect of the free choice made by the refugees themselves regarding both the principle of repatriation and the point of destination.

Proposal

The Frente POLISARIO is ready to offer its permanent and effective contribution for the accomplishment of this operation in the best conditions, as it has already done in the past during the pre-registration of the refugees undertaken by UNHCR.

It considers that if security conditions are met in the Territory, the refugees can be repatriated towards their place of origin in Western Sahara, in conformity with the settlement plan, and bearing in mind the resources of UNHCR.

3. Respect of the outcome of the referendum

Presentation

The referendum consultation represents the final stage of the settlement process. Its result will determine the final status of the Territory. The responsibility of the implementation of the outcome of the referendum lies first of all with the two parties, but also concerns the international community and, in particular, the Security Council.

Proposal

(a) The Frente POLISARIO wishes to reaffirm its solemn commitment to respect the result of the referendum of self-determination and to take all necessary measures to honour this commitment;

(b) The Frente POLISARIO leaves to the Security Council the responsibility for the conduct and supervision of the implementation of the settlement plan from its approval up until the holding of the referendum itself. The Council has, according to chapters VI and VII of the Charter of the United Nations, the authority, the prerogative and the necessary means for the accomplishment of its mandate and to ensure respect for the results of the referendum.

The Security Council could also, when authorizing the full deployment of the military component of MINURSO, envisage that the strength, duration and mandate of the Mission may be adapted in order to ensure a peaceful and ordered transfer of the administration of the Territory.

4. Humanitarian issues and confidence-building measures

Presentation

The President of the Security Council expressed, in a declaration to the media on 26 April 2001, the Council's concern regarding the lack of progress on overcoming the obstacles hindering the implementation of the settlement plan and on humanitarian issues, in particular those related to refugees, prisoners of war and disappeared persons.

It is worth recalling that these humanitarian issues are a direct consequence of the conflict and, therefore, that their resolution is closely linked to a lasting solution of the conflict. The Frente POLISARIO considers, however, that progress can be achieved within a reasonable time frame, on the humanitarian questions, provided that the implementation of the settlement plan resumes its normal course.

Proposal

(a) Concerning the refugees, and notwithstanding the conditions for their repatriation mentioned above, the Frente POLISARIO, echoing the President of the Security Council, calls for the mobilization of additional financial resources to alleviate their suffering;

(b) Regarding the prisoners of war, the political detainees and the disappeared persons, the Frente POLISARIO reaffirms its availability once the referendum process is resumed to take further measures

concerning the Moroccan prisoners of war, provided that Morocco takes similar measures regarding the Sahrawi political detainees, disappeared persons and prisoners of war, whose whereabouts are unknown to their families;

(c) In this connection, respect for human rights in the Territory and its opening to humanitarian organizations and foreign media, as well as the exchange of visits of families separated by the Moroccan military berm, will contribute to the building up of confidence between the parties and will create a climate conducive for the implementation of the settlement plan in a serene and ordered manner.

5. Post-referendum guaranties

Presentation

These are the guaranties which each of the parties would be willing to give to the other depending on which of the two options envisaged by the settlement plan would prevail after the referendum consultation.

Proposal

In this regard, the Frente POLISARIO is ready to offer guaranties covering political as well as economic, social and security domains in order to promote confidence, cooperation and stability between the two parties and in the region.

Annex V

Analysis of the Frente POLISARIO proposals to resume the implementation of the settlement plan prepared by the Secretariat

1. The proposals submitted by the Frente POLISARIO to overcome the obstacles in the implementation of the settlement plan address five issues: the appeals process; the repatriation of refugees; respect for the outcome of the referendum; humanitarian issues and confidence-building measures; and post-referendum guarantees.

2. The proposals raise a number of difficulties and questions, which can be divided into three sets: (a) some proposals, while offering concessions (such as by allowing the examination of all appeals received, as well as of applications by those born after 31 January 1993), attach certain conditions thereto; (b) other proposals would require action by the Security Council; and (c) some others are imprecise, and would require further clarification. Overall, some of these proposals seek to provide technical solutions, but they do not address the main problem with the implementation of the settlement plan as a whole, namely the United Nations inability to implement any measures unless both parties agree to cooperate (S/24646, para. 55).

Appeals

3. The Frente POLISARIO now agrees that the Identification Commission could examine all received appeals, provided that the Commission continues rigorously and impartially to apply the criteria and procedures observed during the identification process. This implies that two sheikhs, one from each side, will also have to testify during the appeals hearings, as they did during the identification of applicants to the referendum. However, Morocco's position is that it will not accept the same arrangement for the appeals as for the identification, given the experience during the latter process when, in Morocco's view, the POLISARIO sheikhs systematically refused to recognize the identity of applicants on the Moroccan side.

4. The Frente POLISARIO also accepts that, in the framework of the appeals process, the Commission could examine the requests for identification of those who reached 18 years of age after 31 December 1993 (closing date for applying to be identified), as long as their father was accepted as a voter by the Identification Commission. However, Morocco's position in this regard is that all those Saharans who reached 18 years of age after 31 December 1993 but were not included in the identification process must be identified.

Repatriation of refugees

5. The Frente POLISARIO now agrees that, "if security conditions are met in the Territory, the Saharan refugees can be repatriated towards their places of origin in Western Sahara, in conformity with the settlement plan". This means that the Frente POLISARIO is now prepared to allow the refugees to be repatriated west of the defensive sand-wall (berm), and that it is thus withdrawing its previous demand that the refugees be repatriated in the area of the Territory east of the berm.

6. In this connection, the settlement plan provides that it is the Special Representative who will decide that security conditions for the safe return of Saharan refugees eligible to vote and their immediate families are met and that the existing (Moroccan) police forces will be responsible for the maintenance of law and order "closely monitored by the MINURSO Civil Police" (S/21360, paras. 67 and 68). The Frente POLISARIO's past insistence that the refugees be repatriated east of the berm was based on the conviction that these particular provisions did not respond adequately to their security concerns. POLISARIO's position was also based on the claim that refugees should freely choose to repatriate to whichever location in the Territory they wished, including east of the berm, although no permanent settlement or infrastructure has existed in that area.

7. By conceding that the refugees can be repatriated west of the berm, the Frente POLISARIO seems to have modified its position on two issues. First, it appears to be ready to accept the determination to be made by the Special Representative regarding security conditions in the Territory. Second, POLISARIO also appears ready to accept the standard practice whereby all refugees are normally expected to return to their

places of origin (for the vast majority of the Saharan refugees, these are located west of the berm, as illustrated by the names of the four Tindouf camps — El-Aiun, Dakhla, Smara and Ausard, which correspond to the names of towns west of the berm).

8. However, it is not clear from the above whether the Frente POLISARIO is no longer concerned that the Moroccan police forces, closely monitored by the MINURSO civilian police, will continue to maintain law and order in areas of the Territory other than the United Nations premises connected with the referendum and their immediate vicinity, as provided in the settlement plan (S/21360, para. 68). Nor is it clear which, and to what extent, "security conditions" are expected by the Frente POLISARIO to be met, notwithstanding the provisions of paragraphs 67 and 68 of S/21360. POLISARIO's current position would therefore need to be further clarified.

Humanitarian issues and confidence-building measures

9. The Frente POLISARIO expresses its readiness to take further measures concerning the Moroccan prisoners of war, provided that Morocco takes similar measures on the Saharan political prisoners and detainees, disappeared persons and prisoners of war. It also calls on Morocco to open up the Territory to humanitarian organizations, international media and to allow for exchange of visits of families separated by the "berm".

10. The Frente POLISARIO thus conditions its "taking further measures" on the Moroccan prisoners of war that it holds, on Morocco 's reciprocal gestures. On 9 October 2000, POLISARIO received from the Special Representative the annotated list with Morocco's responses on the fate of the 207 presumed Saharan political prisoners and detainees. This list had been compiled by the former Independent Jurist and had received POLISARIO's endorsement, prior to being given to Morocco for reply. The International Committee of the Red Cross has stated that it has no knowledge of any POLISARIO prisoners of war still held by Morocco. Furthermore, the POLISARIO position is contrary to the settlement plan, which states that the exchange of prisoners of war is to take place as soon as possible after the ceasefire comes into effect (S/22464, para. 18).

Respecting the outcome of the referendum and other post-referendum arrangements

11. With regard to the referendum, the Frente POLISARIO, while reaffirming its commitment to respect its outcome, calls on the Security Council to use its authority, prerogatives and necessary means, under chapters VI and VII, in order to accomplish its mandate and ensure respect of the results of the referendum. POLISARIO also proposes that, when authorizing the full deployment of MINURSO's military component, the Security Council should adapt the strength, duration and mandate of the Mission in order to ensure a peaceful and orderly transfer of administration in the Territory.

12. It is not the first time that the Frente POLISARIO calls on the Security Council to assume the responsibility for implementing the results of the referendum. Since the settlement plan does not provide for an enforcement mechanism, it will be for the Security Council to decide whether or not to adopt a resolution to that effect. As for POLISARIO's second suggestion, that the Council adapt the strength, duration and mandate of MINURSO, this would require a revision to the settlement plan. Morocco's agreement would be needed for such a revision, unless it is adopted under Chapter VII of the Charter of the United Nations.

13. Finally, the Frente POLISARIO reiterates its readiness, depending on which of the two referendum options envisaged by the settlement plan would prevail, to offer political, economic, social and security guarantees to promote confidence and cooperation between the two parties and in the region.

Annex VI

United Nations Mission for the Referendum in Western Sahara: contributions as at 18 June 2001

	Military observers	*Troops*	*Civilian police**	*Total*
Argentina	1			1
Austria	3			3
Bangladesh	6			6
Belgium	1**			1
China	16			16
Egypt	19			19
El Salvador	2			2
France	25			25
Ghana	6	7		13
Greece	1			1
Guinea	3			3
Honduras	12			12
Hungary	6		1	7
Ireland	3			3
India			2	2
Italy	5			5
Jordan			9	9
Kenya	8			8
Malaysia	13		3	16
Nigeria	5			5
Norway			2	2
Pakistan	6		2	8
Poland	6			6
Portugal	4		8	12
Republic of Korea		20		20
Russian Federation	25			25
Senegal			4	4
Sweden			1	1
Uruguay	13			13
United States of America	15			15
Total	**204**	**27**	**32**	**263**

* Authorized strength is 81.

** Force Commander.

Map No. 3691 Rev. 33 UNITED NATIONS
June 2001

Department of Public Information
Cartographic Section

United Nations S/2001/614

Security Council

Distr.: General
21 June 2001

Original: English

Letter dated 21 June 2001 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council, in considering your report of 30 March 2001 (S/2001/331) on the protection of civilians in armed conflict, are of the view that further advice of the Secretary-General would be useful in the Council's consideration of the issues contained in the report. This procedure is being followed on an exceptional basis.

The members of the Security Council welcome your report of 30 March 2001 (S/2001/331) on the protection of civilians in armed conflict. The Council held an open debate on the report on 23 April 2001, at which a number of practical ideas for implementation were proposed. The members of the Security Council believe that the report should be considered more widely within the United Nations system, and therefore recommend that it be transmitted as an official document to the General Assembly. Recognizing the sensitivity and complexity of the issues involved, the members of the Security Council would suggest the following for the Secretary-General's consideration:

(1) The recommendations on the protection of civilians in armed conflict contained in the first report of the Secretary-General (S/1999/957) where a consensus exists, as reflected in resolutions 1265 (1999) and 1296 (2000), should be reorganized by the Secretariat in collaboration with the Security Council into different groups with the aim of clarifying responsibilities, enhancing cooperation and facilitating their implementation in the context of the Council's intention to take into account relevant recommendations contained in the report when carrying out its work. The recommendations in the second report (S/2001/331) should be reorganized based on the spirit, principles and approaches of resolutions 1265 (1999) and 1296 (2000), taking into account the different responsibilities and mandates of the United Nations organs and the need to further strengthen coordination among the organizations of the entire United Nations system so as to facilitate the Security Council's further deliberation on them.

(2) The Security Council encourages the Secretary-General to further ensure closer cooperation between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, including by establishing a cross-cutting team of the Office and the Department, to facilitate due consideration of issues related to the protection of civilians in the design, planning and implementation of peacekeeping operations.

01-42124 (E) 210601

(3) In order to facilitate consideration by the Security Council, whenever appropriate, of issues pertaining to protection of civilians in its deliberations on the establishment, change or close of peacekeeping mandates, an aide-memoire listing those issues that are relevant in this regard should be drafted in close cooperation with the Council.

(4) The members of the Security Council would welcome a briefing by the Secretariat on the status of these initiatives by November 2001, with a view to finalizing them as soon as feasible thereafter. To further ensure the necessary interaction between the Council and the Secretariat, it is also suggested to organize half-day expert-level seminars on specific issues related to the implementation of the above initiatives. The first of these could be held at a suitable time prior to the briefing by the Secretariat.

Against this background, and bearing in mind Security Council decisions in this respect, the members of the Council request the Secretary-General to present a report no later than November 2002 on the status of implementation of the relevant recommendations with regard to protection of civilians in armed conflict, and any other matter he wishes to bring to the attention of the Security Council on this subject matter.

(*Signed*) Anwarul Karim **Chowdhury**
President of the Security Council

United Nations S/2001/615

Security Council

Distr.: General
21 June 2001

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Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 12 June 2001, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter dated 14 June 2001 from the President of the International Court of Justice, Judge and former President Mohammed Bedjaoui informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 30 September 2001. A vacancy in the Court will therefore occur on 30 September 2001.

2. Judge and former President Bedjaoui was elected as a member of the Court as from 19 March 1982 and was re-elected as from 6 February 1988 and from 6 February 1997. He was the President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali, 1983-1986)* and was President of the Court from 1994 to 1997.

3. Article 14 of the Statute of the Court provides that:

> "Vacancies shall be filled by the same method as that laid down for the first election subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and to take into consideration that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of election.

01-42148 (E) 210601

United Nations S/2001/616

Security Council

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Letter dated 21 June 2001 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Thursday, 21 June 2001, regarding the agenda item entitled "Role of the Security Council in the prevention of armed conflicts".

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

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United Nations A/56/116–S/2001/617

General Assembly
Security Council

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General Assembly
Fifty-sixth session
Item 80 of the preliminary list*
Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Security Council
Fifty-sixth year

Letter dated 21 June 2001 from the representatives of Croatia and Yugoslavia to the United Nations addressed to the Secretary-General

We have the honour to enclose herewith the joint statement on the talks between the President of the Federal Republic of Yugoslavia, Vojislav Kostunica, and the President of the Republic of Croatia, Stjepan Mesic, held during the meeting of the Forum of Presidents of Central European States in Verbania, Italy, on 8 June 2001 (see annex).

We would kindly ask your assistance in having this letter and its annex circulated as a document of the General Assembly, under item 80 of the provisional list, as well as of the Security Council.

(*Signed*) Jelena Grcic **Polic**
Minister Plenipotentiary
Chargé d'affaires, a.i.
Permanent Mission of the Republic of Croatia to the United Nations

(*Signed*) Dejan **Šahović**
Ambassador
Permanent Representative of the Federal Republic of Yugoslavia
to the United Nations

* A/56/50.

01-42233 (E) 260601

Annex to the letter dated 21 June 2001 from the representatives of Croatia and Yugoslavia to the United Nations addressed to the Secretary-General

Joint statement on the talks between the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia

We, the Presidents of the Federal Republic of Yugoslavia and the Republic of Croatia, Vojislav Kostunica and Stjepan Mesic respectively, met in Verbania during the meeting of the Forum of Presidents of Central European States.

In open talks, we discussed the actual state of affairs of relations between the two countries, as well as the situation in the broader region. In doing so, we proceeded not only from the interest of both countries, but also from the importance of relations between the Federal Republic of Yugoslavia and the Republic of Croatia in the context of building and consolidating stability in south-eastern Europe.

Expressing our satisfaction with these talks, announcing our readiness to continue to maintain periodic contacts with a view to giving a fresh impetus to the stabilization of the region and reaffirming our commitment in principle to the policy of peace and the resolution of all outstanding questions through negotiations, we decided to declare that:

1. We acknowledge that the relations between the Federal Republic of Yugoslavia and the Republic of Croatia should be built with a view to achieving full normalization and should be expanded in all areas of mutual interest;

2. We acknowledge that in the further normalization of our bilateral relations special emphasis should be placed on facilitating the free movement of persons, commodities and ideas, in accordance with the standards of a Europe undergoing integration;

3. We acknowledge that in the context of the normalization and building of relations between the Federal Republic of Yugoslavia and the Republic of Croatia the implementation of bilateral agreements already signed should be continued and measures should be undertaken to ensure the equal protection of minorities in both countries, i.e. the Serbian minority in the Republic of Croatia and the Croatian minority in the Federal Republic of Yugoslavia;

4. We acknowledge that all obstacles to the process of the return of refugees and expelled persons should be removed, as well as that maximum efforts should be made so that all persons missing in action (MIAs) are urgently and fully accounted for;

5. We acknowledge that both countries and their citizens may have to face the full truth in the best possible way on the events of the past decade, by strictly adhering to the principle of personal responsibility and accountability, thereby preventing any attempt at assigning collective responsibility, i.e. the accountability of any people;

Republic of Yugoslavia and the Republic of Croatia have no claims against any part of the territory of Bosnia and Herzegovina.

Stjepan **Mesic**
President of the Republic of Croatia

Vojsilav **Kostunica**
President of the Federal Republic of Yugoslavia

This statement is made in two copies in Serbian and Croatian, both of which are equally authentic.

Verbania, 8 June 2001

United Nations S/2001/618

Security Council

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21 June 2001
English
Original: Russian

Letter dated 20 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the decision on extending the length of stay and mandate of the Collective Peace-keeping Forces in the conflict zone in Abkhazia, Georgia, adopted by the Council of Heads of State of the Commonwealth of Independent States in Minsk on 1 June 2001 (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) O. **Laptenok**
Chargé d'affaires a.i.
Deputy Permanent Representative

Annex to the letter dated 20 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations addressed to the Secretary-General

Decision on extending the length of stay and mandate of the Collective Peace-keeping Forces in the conflict zone in Abkhazia, Georgia

The Council of Heads of State of the Commonwealth of Independent States,

Has decided:

1. To extend the length of stay and mandate of the Collective Peace-keeping Forces in the conflict zone in Abkhazia, Georgia, until 31 December 2001 or until such time as one of the parties to the conflict declares that it is in favour of halting the operation.

2. This decision shall enter into force on the date of its signature.

DONE in Minsk on 1 June 2001 in one authentic copy in the Russian language. The authentic copy shall be deposited with the Executive Committee of the Commonwealth of Independent States, which shall transmit a certified copy of this decision to each State that has signed it.

(*Signed*) H. A. **Aliyev**
For the Republic of Azerbaijan

(*Signed*) R. S. **Kocharyan**
For the Republic of Armenia

(*Signed*) A. G. **Lukashenka**
For the Republic of Belarus

(*Signed*) E. **Shevardnadze**
For Georgia

(*Signed*) N. A. **Nazarbaev**
For the Republic of Kazakhstan

(*Signed*) A. **Akayev**
For the Kyrgyz Republic

(*Signed*) V. **Voronin**
For the Republic of Moldova

(*Signed*) V. V. **Putin**
For the Russian Federation

(*Signed*) E. S. **Rakhmonov**
For the Republic of Tajikistan

For Turkmenistan

(*Signed*) I. A. **Karimov**
For the Republic of Uzbekistan

For Ukraine

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Item 179 of the preliminary list*
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 21 June 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incidents in the ongoing Palestinian campaign of terrorism against Israel.

Ilya Krivitz, age 62 and father of five, was shot at close range yesterday evening in the village of Silat e-Dhahr where he had gone to deliver merchandise at a local store. Krivitz managed to make it back to his village, Homesh, where he died of his wounds.

Krivitz is the third Israeli to be killed in as many days and is the 115th Israeli killed since the outbreak of hostilities in late September 2000.

Also yesterday, a bomb exploded on a busy street in the city of Hadera. No injuries were reported after a mortar shell, buried in a trash can, exploded in the city's downtown area, not far from the central bus station. Hadera has been the scene of several Palestinian terrorist attacks in recent months, including a car bomb attack that killed two and injured over 60 on 22 November 2000, and another car bomb attack on 25 May 2001 that injured 66.

Yesterday's attacks are merely the latest incidents in a nine-month campaign of Palestinian terrorism that has been detailed in my letters dated 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001

(A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

These attacks also come amidst continued Israeli attempts to implement the terms of the ceasefire, facilitated by the director of central intelligence George Tenet, which went into effect last week. Israel continues to refrain from taking any military action against Palestinian targets and has acted to alleviate the situation of the general Palestinian population by lifting closures around the cities of Jericho, Qalqilia, Jenin, Tulkarm and Nablus. Israeli troops have redeployed from a number of locations and roadblocks have been dismantled, opening roads to Palestinian traffic. In addition, the international crossings at Rafah and Allenby have been opened to Palestinian commercial and civilian traffic.

All these steps have been taken despite ongoing Palestinian attacks that jeopardize the success of the ceasefire. Over 90 separate incidents of gunfire, mortar attacks, thwarted terrorist bombings and other types of attacks or attempted attacks have been reported since the ceasefire took effect.

Israel reiterates its call upon the Palestinian leadership to adhere to the terms of the ceasefire as outlined in the Tenet plan and to take immediate and concerted action to control all acts of violence emanating from the territory under its control.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-sixth session of the General Assembly, under item 179 of the preliminary list, and of the Security Council.

(*Signed*) Aaron **Jacob**
Chargé d'affaires a.i.